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CORRESPONDENCE

BETWEEN

THE VENEZUELAN GOVERNMENT

AND

H. B. M^S. GOVERNMENT

ABOUT

4310.173

The question of the Frontier—The additional duty of 30 p^{cs}
The Treaty of Commerce and the pecuniary claims.

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CARACAS

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July 2, 1903

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FIRST PART

Nº 59.

C O P Y

L. S.

Caracas October 15 th. 1883.

Monsieur le Ministre :

By the last packet of the Royal Mail Company I received a communication from Lord Granville of no inconsiderable importance ; the subjects therein treated are various, and I cannot too strongly impress upon Your Excellency my opinion that they should receive a careful and exhaustive consideration at the hands of the Venezuelan Government, a consideration which, indeed, His Excellency the President of the Republic is invariably disposed to accord to the communications of friendly Governments and more especially to those of the Government of Great Britain ; on the present occasion, however, when it is for the manifest and mutual advantage of both Governments that various outstanding points at issue, some indeed of long date, should receive a proximate and satisfactory solution, a careful consideration of the views of Her Majesty's Government becomes even yet more necessary.

Lord Granville instructs me to invite the serious attention of the Venezuelan Government to the questions now pending between Great Britain and Venezuela, and I am to state that it is, in the opinion of Her Majesty's Government, desirable that an early settlement of them should be arrived at.

Lord Granville had been for some time awaiting the arrival of Señor Rojas in London in order to enter with him upon a discussion of the points at issue, but his recall has prevented Lord Granville from doing so, and His Lordship is desirous of knowing how soon His Excellency's successor may be expected, and whether the new Minister will be furnished with such instructions as will enable him to take these matters in hand as soon as he arrives in Europe.

The questions to which Lord Granville refers are :

1st. The boundary between Venezuela and British Guiana.

2nd. The differential duties imposed on imports from British Colonies.

3rd. The claims of the British creditors of the Republic.

As a preliminary to entering upon negotiations, Lord Granville considers it to be indispensable that an answer should be given to the proposals of Her Majesty's Government in regard to the Boundary; should that answer be in the affirmative, and should the other questions be satisfactorily settled, the wishes of the Venezuelan Government in regard to the cession of the Island of Patos will receive favourable consideration.

With reference to the differential duties, Her Majesty's Government will be prepared to discuss in the most friendly spirit, but without pledging themselves beforehand to accept them, the proposals of the Venezuelan Government for the addition of supplemental articles to the treaty now existing between the two Countries.

The question of foreign claims on Venezuela has formed the subject of a recent communication from the United States' Government to that of Her Majesty and before replying to it Lord Granville would be glad to be informed of the view which the Venezuelan Government take of the recommendation, that they should pay to France over and above the stipulated pro-rata payments the sum of seven hundred and twenty thousand francs, (frcs. 720.000).

Her Majesty's Government consider that the questions to which Lord Granville refers should be dealt with as a whole, and I am instructed to say that they attach great importance to a simultaneous settlement of them.

Such Your Excellency, are the exact views of Her Majesty's Government upon the subjects in question, and I cannot but feel convinced that the cordial and friendly spirit in which they are approached by Lord Granville will be met in a similar manner by the Government of Venezuela.

The President of the Republic will not fail to observe the tone of Lord Granville concerning the supplemental *articles* (not article) to the Treaty; and, although His Lordship enters into no distinct promise upon the subject I venture to think, that, when the matter comes regularly into discussion, the proposals of Venezuela will undergo every chance of meeting with acceptance by Her Majesty's Government.

In renewing the assurance of my distinguished consideration, I have the honor to sign myself your Excellency's most obedient, humble servant.

C. E. MANSFIELD,

His Excellency Señor Rafael Seijas, etc, etc. etc.

TRANSLATION.

Department of Foreign Affairs.—D. P. E.—N° 625.

Caracas November 15th. 1883.

Sir,

I have had the honour to receive the note dated 15th. of October last, in which you set forth the tenor of the instructions sent recently by Lord Granville, Minister of Foreign Affairs to Her British Majesty, for the purpose of recommending most urgently to the Venezuelan Government the importance of coming to a speedy and complete conclusion of the questions pending between the two countries: viz., as His Lordship says:

- 1st. Limits between Venezuela and British Guiana;
- 2nd. Differential duties on the importations into Venezuela from British Colonies;
- 3rd. Pending claims of British creditors against the Republic.

And you add, with the authorization of Lord Granville, that the Government of Her Majesty will be disposed to consider favorably the reclamation of Venezuela referring to the *Island of Patos*, provided the arrangement of the questions mentioned heretofore come to a satisfactory solution, as it is to be expected.

The terms in which the instructions of Lord Granville appear to be conceived, as well as the interest they exhibit to arrive at a speedy and joint solution of the debated points, are highly appreciated by His Excellency the President of the Republic, as they are a proof of the very friendly tendency and elevated intentions of the Government of Her Majesty, and justify and confirm at the same time the persuasion, which never has abandoned the mind of His Excellency the President, of its being impossible, in view of the antecedents, that the disposition of the Government of Great Britain towards the Republic of Venezuela could cease to be a noble one.

Without any legitimate reasons or motives which in any way could be looked at as antagonistic between the two nations, considering the secular wisdom of the Cabinet of St. James, the constant cordiality of the young Republic to correspond in a worthy manner to those friendly feelings, and the reciprocal demonstrations of special deference shown at all epochs, there could, at the present time, exist no other prospect besides the possibility of dispelling any cause of discussion between the two Governments.

There remains one difficulty of a secondary character in reference to the *modus operandi*, and I have been instructed by His Excellency the President to expose it to the consideration of the Government of Her Majesty, in the hope that it may be removed.

This difficulty consists principally in the very desire of His Excellency the President of the Republic, to have the glory of leaving arranged, in a manner convenient and effective to both sides, before the 20th of February next year, at which day His Excellency has to retire from holding the Executive Power, every difference

in the important relations between the Republic and Great Britain, with the perfect security that the Congress of the Republic will give full approbation to whatever His Excellency may have agreed upon.

This desire, which is in perfect harmony with that expressed so urgently by the noble Lord Granville, would not be opposed to the intention of carrying on the negotiations in London, if His Excellency the President could at present, in accordance with our laws, resolve sending a Minister of the Republic to Her Majesty; but this unfortunately he cannot do under the budget of the present fiscal year, nor shall he be able to do so before spring next year, in accordance with the new budget.

However the question of limits being the principal point amongst those recommended by Lord Granville, it must be observed that precisely this point has caused a delay in the course of the negotiations for the time of one year, as the Government was anxious to overcome by any means whatever the serious difficulty which the Constitution or Fundamental Law of the Republic presents to the celebration of Treaties on Boundaries. It denies most explicitly to its High Powers the faculty of alienating, or making cession of the smallest part of the territory under the recognized dominion of the Republic, in no case nor manner whatever, even if it were as an indemnification in exchange.

For one year the *Illustrious American* (*Ilustre Americano*) President has been consulting the opinion of jurisconsults and public men of high standing, in order to get any information that might lead to the solution of the Guiana Boundary question by means of a Treaty. But all the documents and all men of talent that have been consulted, have confirmed more and more that the river Essequibo is the lawful boundary inherited by the Republic, with the Colony belonging formerly to the Dutch, and now to England. Thus the impossibility became apparent to conclude this discussion otherwise than through the intervention of an arbiter who, by the free and unanimous election of both Governments, were to judge and give a final sentence.

This is the obstacle which His Excellency the President finds to comply as readily as he should like to do, with the desire of Lord Granville, to put an end to all discussion between the two Governments by means of a Treaty.

A sentence *de jure* would be an obligatory and expedient solution of the boundary question; and therefore His Excellency the President orders me to recommend most pressing, through your worthy organ, to the consideration of Lord Granville the urgency of unanimously electing an arbiter, so that from here to February the friendly intentions of both Governments may be satisfied; a measure which will be only dependant on the Government of Her Majesty being pleased to send instructions to the British Legation at Caracas, for the purpose of agreeing with the Venezuelan Government about such an election without any further delay.

The negotiations about supplementing the actual Treaty, as proposed by Venezuela on account of this being most necessary to its better intelligence in the future, as well as the difficulties arising from

differential duties, the claims of British creditors, and the *Island of Patos*, might be brought to a desirable solution meanwhile the sentence in the boundary question be pending, if the Government of Her Majesty, in view of the stress of circumstances resulting from the short term of the 20th of February, would agree of having these negotiations carried on at Caracas. Thus His Excellency would have the satisfaction to reach, before the 20th of February, the end he wishes for, to leave arranged every difficulty between the Republic and Great Britain, her friend for many years.

It would be concurrent to the purpose if the noble Lord Granville were pleased to include the claims of British subjects against Venezuela in the instructions to be sent to the British Legation at Caracas, so as to accept the agreement proposed to the Government of Her Majesty, for converting the remainder of these claims into Diplomatic Debt, represented by 3p8 bonds. In connection it may come to the point to remember here, that Italy, by virtue of a Treaty, has accepted this mode of payment, which is to-day the most common, and at the same time the most advantageous for the legitimate creditor and the honest debtor. Spain accepted it for liquidating the claims of her subjects, who are much satisfied with it. Germany, in consequence has declared that she is to accept it also, provided the other creditors do the same.

With respect to the indication of Lord Granville which emanates from another one made by the Government of the United States, referring to the French claims, this Government has officiously acquainted the French Government, who has declined to accept the fractional amount due to him of the 13 p8 set off by the law for the diplomatic claims, that the sum of 400,000 francs shall be paid in cash, in order that the remainder of the claims, which when liquidated perhaps does not come up to as much, should be paid in 3 p8 bonds of the Diplomatic Debt or with fr. 13,242 a month, instead of fr. 11,637, which is to day the fractional amount due to France.

I have thus fulfilled the orders of His Excellency the President with all the clearness and precision as it is required by the brevity of time from this day to the 20th of February, and as the noble Lord Granville requests most urgently, a desire which you have recommended with friendly efforts; and His Excellency the President hopes to see realized the glory to which he aspires to leave the Government of the Republic in the most friendly concord and without point of discussion with the noble Government of Great Britain.

I remain your obedient servant.

(Signed.).—RAFAEL SEIJAS.

To His Excellency, Colonel C. E. Mansfield, Minister Resident to Her British Majesty.

C O P Y

L. S.

N^o 63.

Caracas November 19 th. 1886.

Monsieur le Ministre.

I lose no time in expressing to Your Excellency my best acknowledgements for your most courteous communication of the 15th instant, of which I shall not fail to transmit, without delay, a copy and translation to Earl Granville.

Towards the end of Your Excellency's note it is stated that, semi-officially, a proposal may be made to the French Government by that of Venezuela for the immediate payment to the former in cash of 16,000 £ accompanied by an alternative entailing gradual payment of a similar sum beyond the usual quota.

So far back as the end of March 1881, I received instructions from Lord Granville to protest against any preference being accorded to the French which was not participated by the British Claimants.

Up to this time there has been no indication that such a preference was likely to come under discussion; but should it now appear, that any exclusive preference or advantage in favour of the French Claimants be in contemplation or any settlement which could be construed in such a sense, it devolves upon me to protest against such an arrangement, in the name of Her Majesty's Government, and in compliance with the instructions to which I have already alluded.

I now beg to direct the attention of the Venezuelan Government to the following paragraph in the note addressed by Your Excellency to the Marquis de Tallenay under date of April 5th 1881:

"There would be no other issue left to Venezuela, in order to please the Government of the French Republic, but to increase the quotas corresponding to England, to the United States of North America, to the German Empire, to Spain, to Holland and to Denmark in the same proportion that France claims; but to apply to this object other or larger funds than the product of the 13 p^g which is being religiously applied is neither compatible with the quiet and progressive existence which the Republic has been enjoying for over ten years, through the assiduous, persevering and foreseeing efforts of the present President, who has saved his country, casting back into history thirty-four years of civil wars and their lamentable disasters nor would it leave him in a position to fulfil honorably and decorously the sacred obligation, in which he is, of preserving order maintaining the credit of the Republic and securing in this manner all the national and foreign interests which call for the peace of the Republic. This could not be done besides without infringing the law of Public Credit of 1872 which set aside that fund for the Diplomatic Claims and without infringing the Public Revenue Law, which is in conformity with the former."

Expressions which Her Majesty's Government will, it is to be presumed, have understood to contain a declaration upon the part of that of Venezuela, that no advantage should accrue to French claims in which those of British subjects did not participate.

I may also mention that, at an interview with the President of the Republic, at Mr. O'Leary's house, in April 1881, I stated to His Excellency, that Her Majesty's Government would expect that no preference or advantage should be accorded to the French which was not conceded to the British Claims, and I understood the President to give me the assurance that no such advantage would or could be conceded.

The very friendly spirit in which the two Governments are approaching all these questions induces me to entertain the impression that the Government of Venezuela is not contemplating a measure which would entail injustice to British claims already recognized as just and equitable by the Government of the Republic, and it would be a source of satisfaction to me to hear from Your Excellency in an encouraging sense, upon this feature in the pending discussion.

With the renewal of my distinguished consideration, I have the honor to be Your Excellency's most obedient, humble servant,

C. E. MANSFIELD.

His Excellency Señor Rafael Seijas, etc., etc., etc.

TRANSLATION.

Department of Foreign Affairs.—D. P. E.—N° 673.

Caracas November 28th. 1883.

Sir.

I have the honor of stating to Your Excellency, in reply to the contents of your note of 19th. of this month, that in what is said in mine of the 15th., in reference to the payment of a certain amount to France, there is no ground whatever for protesting against any preference or advantages given to the latter and in which British creditors have not had a share.

In said note I stated, in fact, that the Government of the French Republic had refused to receive the quota coming to them of the 13 0/0 set aside by law for the payment of Diplomatic claims. When M. de Tallenay left here in the month of April 1881, leaving the protection of French subjects to M. Stella, Chargé d'Affaires of Italy, the Government placed at this gentleman's disposal the monthly amount corresponding to the French claims, and he stated that he had no authority to receive them. Matters have remained in this

state since then, the other creditors receiving their quota, while that of the French has been left on deposit. Thirty two months have elapsed up to the present date, during which time no payment has been made to them; and, as the amount corresponding to each month is B. 11.637,55, the arrears which have accumulated up to the present prove to be equal, with a slight difference, to the amount which has been offered, viz: B. 400,000; and by the time that a final settlement has been come to, this figure will have been reached, by the addition of each successive monthly dues.

In regard to the promise of an increased quota, to wit, B. 13,242, instead of B. 11.637,55, the Government has never thought of giving to France any exclusive advantages. As soon as this measure is carried out, the shares of the other creditors will be also increased in the same proportion as that of the French.

The Government entertains the hope that these explanations will suffice to efface from Your Excellency's mind any impression, unfavorable to the impartiality of Venezuela in this matter.

I must furthermore remark to Your Excellency that neither the friendly, spontaneous and kind offices of Her Britannic Majesty's Government, for which the Republic will be ever grateful, nor the urging of the Government of the United States, have succeeded in inducing France to change the attitude she has assumed towards Venezuela. Thus, any concession made by this country to that, as a means of putting an end to a disagreement which has already lasted but too long, could never be looked upon as an intention of establishing differences in the treatment by the Republic of friendly Powers, and much less in that of Great Britain, but as a necessity created by circumstances which Venezuela has endeavored to remove by all the means in her power.

In conclusion, the President insists upon begging the Government of Her Britannic Majesty to kindly interpose their powerful influence in order to induce France to accept the proposition which has been made to her.

I beg to renew to Your Excellency the assurances of my highest consideration.

(Signed),—RAFAEL SEIJAS.

To His Excellency Col. C. E. Mansfield, II. B. M. Minister Resident.

C O P Y

L. S.

N^o 68.

Caracas November 29th 1883.

Monsieur le Ministre:

It is with much pleasure that I do myself the honor of acknowledging the receipt of Your Excellency's note of yesterday's date.

The explanation therein contained appears to me to be of a most satisfactory character, and it is a source of gratification to me to be able to inform Her Majesty's Government that British creditors

will participate in the advantages which may be proffered to those of the French Nationality as stated in Your Excellency's communications, of which copies and translation are duly transmitted to Lord Granville.

With renewed assurance of my distinguished consideration I have the honor to be, Your Excellency's most obedient, humble servant.

C. E. MANSFIELD.

To His Excellency Señor Rafael Seijas, Secretary of State for Foreign Affairs.

C O P Y

L. S.

N^o 14.

Caracas, March 11th. 1884.

Monsieur le Ministre:

With reference to some communications which passed between Your Excellency's Office and this Legation in November of the past year, I have the honor to inform Your Excellency that I am in receipt of a despatch from Earl Granville dated the 15th. of January which has been much delayed owing to the recent storms in the Atlantic.— In the despatch in question I am instructed to state to Your Excellency that Her Majesty's Government fear that it would be found impracticable considering the importance and complicated nature of the questions at issue between the two Governments, to bring them to a settlement before the expiration of the President's term of Office; and, further, I am to say, that if the Venezuelan Government should not decide to send a Diplomatic Representative to London, instructions will be prepared to enable Her Majesty's Representative at Caracas to carry on negotiations.

Availing myself of this opportunity to renew the assurance of my distinguished consideration I have the honor to be Your Excellency's most obedient, humble servant.

C. E. MANSFIELD.

His Excellency Señor Rafael Seijas, etc., etc., etc.

TRASLATION.

Department of Foreign Affairs.—D. P. E.—N^o 219.

Caracas March 15th 1884.

Sir,

I have read to the President of the Republic the official note in which Your Excellency communicates to me that Her Majesty's Government feared that the pending questions between the two countries would not be brought to an end, on account of their importance and complicated nature, before General Guzmán Blanco finishes his present term of office; and, that in case Venezuela does.

not send to London a Diplomatic Minister, instructions would be given to Your Excellency to continue negotiations in Caracas.

It may be easily understood that the Illustrious American, having such a great interest for the welfare of his country, should desire to present his fellow-citizens, as a proof of his love for it, with the settlement of said questions, in order to secure thus the permanent good understanding of Venezuela and Great Britain, which has been one of the principal objects his Government has aimed at.

Since it has been impossible to do so during his Administration, he hopes that one of the first cares of the next will be to appoint a Plenipotentiary of Venezuela in London; and he entertains the hope that this will take place soon, and will make it possible to carry on the negotiations which have been mentioned, and bring them to an issue.

I beg to renew to Your Excellency the assurances of my high consideration.

(Signed).—RAFAEL SEIJAS.

To His Excellency Colonel C. E. Mansfield, Her Britannic Majesty's Minister Resident.

C O P Y.

L. S.

Nº 21.

Caracas March 29th. 1884.

Monsieur le Ministre:

With reference to Your Excellency's note of November the 15th. of last year, I have the honor to bring to the notice of the President of the Republic that I have received a despatch from Lord Granville dated February 29th. instructing me to state that Her Majesty's Government are not of opinion that the Boundary between this Republic and British Guayana should be referred to arbitration, but express, at the same time, the hope, that some other means may be desired for bringing this long standing matter to an issue satisfactory to both powers.

With sentiments of distinguished consideration, I have the honor to be Your Excellency's most obedient, humble servant.

C. E. MANSFIELD.

His Excellency Señor Rafael Seijas, etc., etc., etc.

TRANSLATION

Department of Foreign Affairs.—D. P. E.—N^o 251.

Caracas April 2nd 1884.

Sir :

I have received Your Excellency's note of the 29th. of last March in which you state that His Excellency, Her Britannic Majesty's Secretary for Foreign Affairs, has authorized your Legation to inform the President of the Republic that Her Majesty's Government is not willing to submit the question of limits between Venezuelan Guiana and British Guiana to arbitration, expressing at the same time the hope that another means will be found of putting an end to this long standing question in a manner satisfactory to both countries.

In the note which I addressed on the 15th. of November last to Your Excellency I stated the grounds upon which the President based his proposal to submit the matter to arbitration. The first and principal one was that Article 12 of the Constitution of the Republic forbids all alienations of territory ; and, as there is a disagreement between the two sides as to the extent of territory belonging to each, the decision of an arbitrator on rights could alone determine whether the pretension of this country has or has not any foundation.

It was furthermore born in mind that, precisely in regard to this same question of limits, Lord Aberdeen, then Her Britannic Majesty's Secretary of State for Foreign Affairs proposed again and again to the Plenipotentiary of Venezuela, Dr. Fortique, in a conference held on the 29th. of July 1843, to resort to arbitration as a means of solving the question.

It was furthermore recalled that, as the result of the agreement made at the conference held in Paris in 1856 on the proposition of the Plenipotentiary of Great Britain, the latter's Legation in Caracas suggested to the Venezuelan Government to invoke the good offices of some friendly Power in order to prevent international conflicts, which was promptly and willingly acceded to by the latter with the understanding that this involved, not only mediation but arbitration.

It was thought likewise that this means of settling international controversies, besides being the fittest, as far as boundary questions were concerned, is daily gaining the approval of the most enlightened and liberal nations.

Great Britain is one of those who have been foremost in this struggle of progress.

The present Prime Minister of Great Britain once expressed himself in the following terms before the House of Commons : "As for the proposition to submit international misunderstandings to arbitration, I think that it is in itself a great triumph. This is, perhaps, the first time that the representatives of the principal nations of Europe have given an emphatical expression to feelings which at least contain a limited disapproval of the resort to war, and vindicated the supremacy of reason, of justice, of humanity and of religion." The

above referred to the spirit which prevailed at the aforesaid Paris conference.

The proposition of Mr. Richards, to recommend to Her Majesty, to instruct the Secretary of Foreign Affairs to put himself in communication with other Powers in order to improve International Law and to establish a general and permanent system of arbitration between nations was approved in 1873 by a majority of 98 votes against 88.

It is affirmed that Sir John Bowring introduced the principle of arbitration into treaties which he negotiated with Belgium, Italy, Switzerland, Spain, Sweden, Norway and Hanover.

I need not recall the practical instances in which Great Britain has adopted arbitration for the settlement of international disputes, among them being questions of limits, as, for example, those submitted in 1830 to the King of Holland and in 1871 to the Emperor of Germany.

I will mention, in conclusion as it is of more recent occurrence, the clause of arbitration introduced in the protocol annexed to the treaty made between Great Britain and Italy on the 5th. of June 1883, which met with the applause of the Association of International Arbitration existing in England, in an address signed by eight members of the House of Lords, by forty five of the House of Commons, and by Professors of the Oxford, Cambridge and London Universities as well as by magistrates, merchants and other prominent persons of the United Kingdom.

But, as Her Britannic Majesty's Cabinet is of a different opinion in the present instance, the President has instructed me to request them to, without losing sight of the constitutional situation of Venezuela, kindly select and point out another acceptable way of obtaining a settlement of this difficulty, which the Republic so anxiously desires.

I beg to renew to Your Excellency the assurances of my distinguished consideration.

(Signed).—RAFAEL SEIJAS.

To His Excellency Col. C. E. Mansfield, H. B. M. Minister Resident.

C O P Y.

L. S.

Nº. 30.

Caracas April 7 th. 1884.

Monsieur le Ministre.

I hasten to offer my best thanks for Your Excellency's very interesting note upon the subject of arbitration in the matter of the Boundary between British Guiana and the territory of this Republic.

I shall not fail to transmit to Lord Granville a copy and translation of your Excellency's Note; Her Majesty's Government are as desirous as that of Venezuela to procure the settlement of this long standing difference and the subject will doubtless be discussed between Lord

Granville and the new Venezuelan Minister at an early period after the arrival of the latter in London.

For the present, Her Majesty's Government does not appear to be of opinion that arbitration is applicable to the question, and Lord Granville, I admit holds out little expectation to me in his despatch, that Her Majesty's Government will be disposed to alter their view of the case, but much may be expected in the way of settlement of our various pending questions, when the new Venezuelan Minister shall have arrived in England and find himself in direct communication with Her Majesty's Government.

With the renewed assurance of my distinguished consideration, I have the honor to be Your Excellency's most obedient humble servant.

C. E. MANSEFIELD.

His Excellency Señor Rafael Seijas etc., etc., etc.,

C O P Y.

L. S.

N^o 32.

Caracas April 8th 1884.

Monsieur le Ministre.

With reference to the last paragraph of Your Excellency's Note of the 2nd of this month, inviting a suggestion for a solution of the question, concerning the frontier between this Republic and British Guiana, a solution which must necessarily be in accordance with the provisions of the Venezuelan Constitution, I beg to say, that I have been giving the subject my best consideration, examining, at the same time, the article of the Constitution to which allusion is made by Your Excellency.

It has occurred to me, that it may be worthy of the consideration of the President, to weigh, whether a district about the *sovereignty* of which, since the *earliest* days of the Republic of Venezuela there has existed a *discussion* with a foreign Power, is to be regarded as forming so *integral a portion* of the territory of the Republic as to preclude the possibility within the limits of the Constitution of a *rectification* of frontier by *treaty*; I make use of the latter term with intention and advisedly; the question appears to me one essentially of rectification of frontier, for neither in the proposals of Lord Aberdeen, nor in those made by Lord Granville to Señor Rojas does Her Majesty's Government suggest that the whole of the territory which *at one time* was assumed to be comprised in our possessions as inherited from the Dutch, should now be declared to be British territory.

As I understand the case, the original frontier by both proposals has receded in a sense in *favour of Venezuela* and under the term of rectification of frontier by treaty, the subject may therefore perhaps be considered by the President to come within the provisions of the Constitution.

When Lord Granville, two years since, forwarded to me copies and maps of his proposals to Señor Rojas, His Lordship intimated to me in the most distinct terms that the same were merely sent to me for my information, stating that all negotiations would be carried on in London; but in making the above suggestions to your Excellency I conceive that I am not departing from my instructions, as I am not taking into consideration the question of the boundary but merely the manner and form in which negotiations might take place, in harmony with the Constitution of Venezuela.

I shall esteem it a favour if Your Excellency will submit the above to General Guzmán Blanco at the *earliest possible opportunity* and request His Excellency to give to my ideas his most attentive consideration.

No very immediate answer will be necessary; I shall forward a copy of this note to Lord Granville and the new Venezuelan Plenipotentiary in London will be able to discuss the question with His Lordship but at the same time I cannot but express the hope that my view of the subject as a mere rectification of frontier to be arranged by treaty, may appear to General Guzmán Blanco to present an *adequate solution* for the question.

With the renewed assurance of my distinguished consideration I have the honor to be your Excellency's most obedient, humble servant.

C. E. MANSFIELD.

His Excellency Señor Rafael Seijas etc., etc., etc.

TRANSLATION.

Department of Foreign Affairs.—D. P. E.—Nº 271.

Caracas, April 9th. 1884.

Sir,

I hastened to report to the Illustrious American Your Excellency's answer to the dispatch in which I stated the grounds Venezuela had had to propose arbitration to Great Britain for the settlement of the dispute on limits between the two countries, and in which I asked besides Her Majesty's Government to point out other means of reaching this object in any way compatible with the Constitution of the Republic.

After having examined the question, Your Excellency suggests to the President to fix his attention upon the point whether a district about the sovereignty of which there has existed a discussion with a foreign Power since the earliest days of the establishment of the Republic, is to be regarded as forming so integral a portion of the territory of the Republic that it precludes the possibility within the limits of the Constitution, of a rectification of frontier by treaty.

Your Excellency further remarks that neither in the proposals of Lord Aberdeen nor in those of Lord Granville does Her Maj-

esty's Government suggest that the whole of the territory which at one time was supposed to be comprised among their possessions as having been inherited from the Dutch, is now declared to be British territory; and that as far as Your Excellency understands the case there has been in both propositions a diversion or retrocession in favor of Venezuela with regard to the original frontier and under the terms of the rectification of the latter by means of a treaty it may perhaps be possible to the President to consider the matter as included in the provisions of the Constitution.

Allow me to tell Your Excellency what the President thinks in this respect.

All the Constitutions of Venezuela have established that her limits are the same which in 1810 belonged to the Captaincy General of Venezuela.

According to those of 1830 and 1857, Congress had the power to "decree the alienation, the exchange or the acquisition of territory."

In that of 1858 it is stated that "no portion of territory could pass through alienation to the dominion of another Power; but that this rule should not be an obstacle to the accommodations which might become indispensable for the fixing of the boundaries of the Republic with other neighbouring countries, as long as no village should lose its nationality through the same."

As though to contrast with this last clause the following, Article 13th, was written in the Constitutions of 1864, 1874 and 1881: "the States of the Venezuelan Confederation bind themselves to the following—4th, not to alienate to a foreign Power any portion of their territory, nor to implore its protection, nor to establish or carry on relations either political or diplomatic with other nations, as all this is left for the Federal Government to do."

Here are to be found prohibitions which refer as much to the States singly as to the whole of them, and such are those concerning the territory and the asking for the protection of another Power. The other prohibition affects the States only in their individual character, as one of the objects of the Union is to delegate the exercise of external sovereignty in the entity formed by the whole.

Venezuela and Great Britain have equal rights in the question which is being ventilated. If the Republic yielded any part of her pretension, she would acknowledge the superiority of the British claim, she would violate the aforesaid article of the Constitution and would incur the reproaches of the citizens.

But when both nations, setting aside their independence, for the sake of peace and good friendship, create by common consent a tribunal which is to decide upon the controversy, the latter can determine that one of the parties, or both, is mistaken in its judgment as to the extent of its territory. In this manner the decision would not clash with the Constitution of the Republic, as there would be no alienation of what would prove not to be her property.

Arbitration alone possesses this advantage among the means of

settling international disputes, especially when it has become evident that neither conventions nor compromises could possibly lead to the desired object.

What Your Excellency states in regard to Her British Majesty's Government's not maintaining the limits that they originally believed to be those of Guiana, is a proof that there may be some ground for their modifying their opinion in the matter in question. But I beg to be allowed to remark that Lord Granville's proposal is, for unknown reasons, less favorable to Venezuela than that of Lord Aberdeen, as, if the latter spontaneously presented as a limit the course of river Moroco, the former has traced a more northerly line commencing at a point of the coast twenty nine miles in longitude to the East of the right bank of river Barima.

I beg to renew to Your Excellency the assurances of my highest consideration.

(Signed).—RAFAEL SEIJAS.

To His Excellency Colonel C. E. Mansfield, H. B. M. Minister Resident.

C O P Y

L. S.

N° 35.

Caracas, April 16th. 1884.

Monsieur le Ministre:

I beg to offer my best thanks for Your Excellency's Note of the 9th. instant in which you do me the honor to state at further length, the difficulties which in the opinion of the President are presented by the provisions of the Constitution to the settlement by treaty of the Boundary between this Republic and the dominions of Her Majesty in Guiana.

To my great regret I perceive that there appears to remain but little prospect of a solution of the question; the whole matter, however, will come under discussion between the new Venezuelan Plenipotentiary in London and Her Majesty's Government, when perhaps some "modus operandi" may be devised, in accordance with the views of the two Governments.

I have not thought it advisable to personally enter further into the question, as I might be drifted into engaging in the discussion and consideration of points, concerning which, I was instructed, that negotiations would be carried on in London in the event of Venezuela being represented in that capital, and only in Caracas in a contrary contingency; but I shall not fail, when I transmit a copy and translation of Your Excellency's late note, to accompany the same with any observations which may appear to be relevant to the case in question; and I can only conclude with the hope that the friendly spirit in which the subject

is being approached by both Governments may not in the end prove barren of results.

With the assurance of my distinguished consideration I have the honor to be Your Excellency's most obedient humble servant.

(Signed).—C. E. MANSFIELD.

His Excellency Señor Rafael Seijas, etc., etc. etc.

C O P Y

L. S.

N^o 68.

Caracas August 6th 1884.

Monsieur le Ministre :

With reference, to correspondence which took place in the Spring of the present year between Your Excellency's predecessor and this Legation, concerning the long pending question of the frontier between British Guayana and the Republic of Venezuela I beg to say that I transmitted to London copies and translations of the latest communications of Señor Seijas, and after careful considerations of the same Lord Granville instructs me to state that Her Majesty's Government adhere to their opinion that arbitration is not a desirable or indeed a suitable mode of dealing with the subject and Her Majesty's Government entertain earnest hopes that some other solution such as negotiation by mutual agreement may be devised for settling this question of now more than half a century's standing.

With the renewed assurance of my distinguished consideration, I have the honor to be, Monsieur le Ministre, Your Excellency's most obedient humble servant.

(Signed)—C. E. MANSFIELD.

To His Excellency General Vicente Amengual, Secretary of State for Foreign Affairs.

C O P Y

L. S.

N^o 49.

Caracas May 28th 1884.

Monsieur le Ministre :

It will doubtless be in Your Excellency's knowledge that an important correspondence has taken place between this Legation and Your Excellency's predecessor upon the subject of the Differential Duties imposed in Venezuelan ports upon goods coming from Her Majesty's Colonies in the West Indies.

It will be remembered that the imposition of the duties in question was regarded by Her Majesty's Government as an infringement of the Treaty of 1825, the Venezuelan Government on the other hand did not consider that the treaty had been infringed adducing arguments in favor of their view of the question, in which Her Majesty's Government did not acquiesce.

The Venezuelan Government further suggested that additional articles should be supplemented to our Treaty and I have now received a communication from Earl Granville which will, I conceive, be found to be in harmony with the views of the Government of the Republic.

Earl Granville has authorized me to propose to the Venezuelan Government, without prejudice to the claims of Her Majesty's Government, an article limiting the duration of the Treaty to ten years, provided the Venezuelan Government consent to a further article whereby the two Countries shall extend to each other absolute most favored nation treatment, in all matters, without condition or reservation whatsoever, and without distinction between the United Kingdom, and the British Colonies, and also that such article shall remain in force after the termination of the existing Treaty until a new one shall be concluded.

In view of the great length of time during which the question has remained unsettled, Her Majesty's Government consider that if the above terms should not be accepted, they (Her Majesty's Government) would entirely resume the interpretation which they put in the existing treaty and would renew their demand for indemnity offering at the same time to refer the solution of the question to International Arbitration.

I feel certain that Your Excellency will agree with me as to the extreme improbability of the latter contingency coming under discussion, and I entertain no doubt that the agreement of which I enclose a draft will, with little or no modification, be deemed acceptable by the Government of the Republic inasmuch as the points embodied are in complete accordance with the view of the Venezuelan Government as conveyed to me by Señor Seijas.

Availing myself of this occasion to renew to Your Excellency the assurance of my distinguished consideration, I have the honor to be Your Excellency's most obedient humble servant.

(Signed).—C. E. MANSFIELD.

His Excellency General Vicente Amengual, etc. etc. etc.

Agreement with Venezuela for settling the Differential Duties Question.

The Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the Government of the United States of Venezuela, being desirous of putting an end to the differences which have arisen respecting the meaning of certain stipulations in the Treaty between Great Britain and the Republic of Colombia of the 18th April 1825, which Treaty was adopted and confirm-

ed by the Treaty between Great Britain and Venezuela signed on the 29th of October 1834.

Colonel Charles E. Mansfield, Her Britannic Majesty's Minister Resident at Caracas;

and Señor.....

being duly authorized thereto by their respective Governments have agreed upon the following articles, viz :

Article I.

The Treaty between Great Britain and the United States of Colombia dated April 18th 1825 as adopted and confirmed by the Treaty between Great Britain and the United States of Venezuela dated October 29th 1834, shall remain in force for ten years from the date of the present agreement; and thereafter, until the expiration of a year from the day on which the Government of Great Britain or of Venezuela shall have notified to the Government of the other its desire to terminate the said Treaties.

Article II.

Each of the parties hereto undertakes to grant to the subjects or citizens of the other, as regards their persons, property and all other matters, the treatment granted to the subjects or citizens of the Nation most favoured in each such respect; and likewise to grant in every respect to the produce and manufactures of the other country, whencesoever and in vessels of whatsoever nationality, arriving, the treatment granted to the produce and manufactures whencesoever and in vessels of whatsoever nationality arriving, of the nation most favoured in each such respect, and this absolutely, without any condition or reservation whatsoever.

Full participation in the benefits secured by the present agreement is hereby accorded to all of Her Majesty's Colonies and Foreign Possessions.

Article III.

In the event of the aforesaid Treaties of the 18th of April 1825 and the 29th of October 1834 being denounced according to the provisions of Article I of the present agreement all the provisions of Article II of the present agreement shall remain in force from the date of the termination of the above mentioned Treaties; until a new Treaty shall have come into force between the two Countries.

The present agreement shall take effect from the date of its signature.

Done at Caracas: etc.....

.. *Señor Amengual to Colonel Mansfield*

(Translation)

Caracas, May 31, 1884.

M. le Ministre,

I have had the honour to receive and submit to the consideration of the Government the note which Your Excellency addressed

to me on the 28th concerning the manner of settling the pending question, which has arisen out of the Decree which placed an additional duty upon merchandize coming from the West Indies, Your Excellency accompanying the same with the draft of an Agreement, which you regard as acceptable by the Republic, considering that it embodies the views which the Republic has expressed upon the question.

By the proposed settlement, it is agreed to fix the term of ten years to the Treaty concluded between Colombia and His Britannic Majesty in 1825, and which Venezuela adopted and confirmed in 1834, with the condition, that there be added another Article, by which shall be conceded to Great Britain inclusively with her Colonies and possessions in foreign countries, and without condition or exception, of any description, most favoured-nation treatment as regards the persons, goods, productions, and manufactures of citizens and subjects of one and the other party. It is stated moreover, that these conditions shall remain in force even after the denouncing of the Treaty at the end of ten years until a new Treaty shall enter into operation. In conclusion, that the proposed Agreement must take effect the day of signature.

The President of the Republic sees with satisfaction that the Government of Her Majesty is following in the cause of that good understanding and cordiality which is preparing a happy solution for these and the other points of difference between the two countries.

Before this date Your Excellency was already informed that the Illustrious American, General Guzmán Blanco, who, as President, initiated and treated these subjects, is starting for London in the course of the next few days to represent Venezuela as Envoy Extraordinary and Minister Plenipotentiary.

One of the duties confided to him has relation to the subject now under consideration, and for that reason it will but appear natural and logical to Your Excellency that the President should carry on the negotiation in the capital, inasmuch as before the nomination the same had already been imparted to Your Excellency.

I should add to Your Excellency that the Illustrious American will lose no time in communicating the answer of the Government, and reiterating the expression of their gratification at the turn which the subject is taking. I renew, &c.

(Signed).

Vicente Amengual.



SECOND PART

*Memorandum communicated to Sir Julian Pauncefote by General
Guzmán Blanco.*

The Government of Great Britain proposed to that of Venezuela the simultaneous settlement of these questions of limits, differential duties and pecuniary claims.

As regards the first, the Government of the Republic finds in its Constitution an insuperable difficulty to settle it in any other way but arbitration.

In fact, the States of the Confederation of Venezuela bind themselves therein to alienate to no Foreign Power any part of their territory. Therefore it is impossible for them to make or accept any Treaty in which are not recognized the same limits which in the year 1810 belonged to the former Captaincy General of Venezuela, to wit, the limits of the United States of the Venezuelan Confederation, according to what is established in another article of the above mentioned Constitution.

For this reason arbitration was proposed, bearing in mind that the decision of a third Power would not imply the alienation of territory, but simply a declaration of the present rights of the parties. Her Britannic Majesty's Cabinet did not consider the proposal admissible. Venezuela now proposes, instead of the arbitration of a friendly Power the sentence of a Commission of Jurists composed of persons chosen respectively by the parties.

FOREIGN OFFICE.

December 24th. 1884.

Monsieur le Ministre :

In the course of the conversation we had in this office on the 25th. of October last about the settlement of the question of limits with Venezuela you observed that, according to the provisions of her Constitution neither Congress nor the Executive had the power to alienate any portion of the Venezuelan territory and that therefore the Government of the Republic could not enter into any settlement which involved the cession of any portion of the territory claimed by Venezuela as belonging to her. I now have the honour of pointing out to you that the object of the proposal made to the Government of Venezuela by that of Her Majesty for the settlement of this question, was to determine the proper boundary lines between Venezuela and the Colony of British Guiana, and not to obtain the cession of any part of the Venezuelan territory.

I have the honour to sign myself, Monsieur le Ministre, with the highest consideration, your most obedient, humble servant,

(Signed).—*Granville*.

Señor General GUZMÁN BLANCO, & & &.

Legation of Venezuela in London.

Numero 200.

194 Queen's Gate London, December 30th 1884.

My Lord.

I beg to acknowledge the receipt of Your Excellency's note of the 24th of this month, in which Your Excellency reminds me of an observation which I made during an interview on the 25th of October about the manner of settling the pending question of limits, and Your Excellency points out to me that the object of the proposals made by the Government of Great Britain to that of Venezuela for the settlement of the question was to determine the proper boundary lines between the Republic and the Colony of British Guiana, and not to obtain the cession of any part of the Venezuelan territory.

In that interview I merely observed the difficulty, because it referred principally to other points. I was more explicit on a later occasion in an interview I had with Sir Julian Pauncefoot to whom I even left a memorandum in which I fully exposed my views.

I shall explain myself better.

Article III of our Constitution is as follows: "The boundary lines of the United States of the Venezuelan Confederation, are the same as those which in the the year 1810 belonged to the former Captaincy General of Venezuela."

When the Treaty of Peace and Recognitions was signed by Venezuela and Spain the 30th of March 1845. H. C. M. waived, on behalf of the Republic, the sovereignty, rights and actions which belonged to her over the American territory, known by its former name of "Captaincy General of Venezuela." In consequence, H. C. M. recognized the Republic of Venezuela as a free nation, sovereign and independent, and composed of the provinces and territories denominated in her Constitution and other posterior laws, to wit: Margarita, Guiana, Cumaná, Barcelona, Caracas, Curabobo, Barquisimeto, Barinas, Apure, Mérida, Trujillo, Coro, and Maracaibo, and any other territories or islands that may belong to it.

Article XIII of our Constitution establishes as one of the basis of the Union—4th. "that the States bind themselves not to alienate to any foreign Power any part of their Territory."

And now combining the aforesaid provisions, the difficulty which Venezuela finds for the settlement of a boundary question in any other way than by arbitration, becomes plain. The Republic understands that the limits of the old Captaincy General of Venezuela reached as far as the Essequibo, while Great Britain contradicts this. Therefore were the Republic to admit a different line, whatever might be the reason of this it would imply the alienation or cession of territory. Neither the one side nor the other, being, as they are, interested parties, can decide the question impartially; but if it is submitted to the decision of a Commission of Jurists who would examine the titles of both nations this Commission will decide according to the merits of the proofs adduced and each side will have to submit to the loss of the territory to which, according to the decision of the Commission it has no right and to be content with the one that the sentence declares to be its property, giving thereby to public opinion and to the Federal Congress of my country no ground to believe that there has been any cession of the country's territory, which is prohibited in an absolute and irrevocable manner by the Constitution of Venezuela.

In view of all the reasons which have been stated the Government of the Republic proposed the arbitration of a friendly Nation to that of Her Britannic Majesty; but as this has not been accepted I am instructed to propose that the question be submitted to a Commission of Jurists composed of persons chosen by both parties. I stated the same thing in a memorandum which I placed in the hands of Sir Julian Pauncefote which, as he told me, was to be submitted to the Secretary of State for the Colonies.

This matter is of so much importance to Venezuela that it is one of the principal motives of my coming to England to endeavor to bring about the solution initiated by Venezuela since 1881. I beg therefore to be allowed to recommend the last proposition to the prompt consideration of Your Excellency and I entertain the hope that this time I shall find the means of bringing the difficulty to an end, as it is most earnestly desired by the Republic.

I beg to renew to Your Excellency the assurance of my highest consideration.

(Signed).—GUZMÁN BLANCO.

To His Excellency Earl Granville, H. B. M. Principal Secretary of State for Foreign Affairs.

FOREIGN OFFICE.

January 24th 1885:

Monsieur le Ministre :

I have had the honor of receiving your letter of the 30th ultimo which reached this office on the 17th instant, referring to the question of limits between Venezuela and British Guiana and I beg, in answer, to inform you that it will receive the careful consideration of Her Majesty's Government.

I have the honor to sign myself, Monsieur le Ministre, with the highest consideration, your most obedient, humble servant.

(Signed).— *Granville*.

Señor General Guzmán Blanco, &, &, &.

FOREIGN OFFICE.

February 13th 1885.

Monsieur le Ministre :

With reference to my communication of the 24th ultimo, I have the honor to state to you that Her Majesty's Government have carefully considered the proposal made to them in your letter of 30th of December last that the settlement of the disputed boundary between British Guiana and Venezuela should be entrusted to a Commission of Jurists, nominated by the British and Venezuelan, Government whose decision should be final.

I regret to have to inform you, Monsieur le Ministre, that the above proposal presents constitutional difficulties which prevent Her Majesty's Government from acceding to it and that they are not prepared to depart from the arrangement proposed by the Venezuelan Government in 1877 and accepted by Her Majesty's Government to decide the question by adopting a conventional boundary fixed by mutu consent, between the two Governments.

I have etc,

(Signed).— *Granville*.

Señor General Guzmán Blanco, etc., etc., etc.

— — —
No. 65

Memorandum communicated to Earl Granville by General Guzman Blanco, January 22, 1885.

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“The Government of the United States of Venezuela and the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous of putting an end to the differences which have arisen respecting the meaning of certain stipulations in the Treaty between the Republic of Colombia and

Great Britain of the 18th April, 1825, which Treaty was adopted and confirmed by the Treaty between Venezuela and Great Britain, signed the 29th October, 1834, have appointed as their respective Plenipotentiaries, to wit:

“The Government of the United States of Venezuela,

“And the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland.

“Who, after having communicated to each other their full powers, and found them in good and due form, have agreed upon the following Articles:—”

This preamble does not differ from the one proposed lately by Her Majesty's Government.

“Article I. As in the old Treaty.

“Article II. Ditto.

“Article III. Ditto.

“Article IV. Ditto.

To include the Colonies and possessions of Her Britannic Majesty, as desired by her Government, in the advantages granted to the metropolis concerning navigation and commerce, it is proposed to add between the IVth and Vth Articles a new Article of the following purport:—

“The stipulations in the preceding Articles shall be extended to all of Her Majesty's Colonies and foreign possessions.

“Article V. As in the old Treaty.

“Article VI. Ditto.

“Article VII. Shall be considered as Venezuelan in Great Britain, and as British in the United States of Venezuela, to all intents and purposes, those vessels provided with the sea papers and documents required by the laws of each of the two Contracting Parties to justify the character of the merchant-vessels.”

It is proposed to replace the VIIth Article of the old Treaty by the above, on the ground that the provisions of the former do not seem to be applicable to a Republic like Venezuela, so different from the Great Colombia of 1825, and that, instead of checking the development of her navy, ought, on the contrary, to look for the means of increasing it. If, in order to regard as Venezuelan a vessel, she must be constructed in Venezuela, as the naval industry is there in its infancy, the number of her ships would be exceedingly limited, and her flag would scarcely ever wave on foreign waters. On the other hand, should vessels bought by the Government, or those seized upon her enemies, or those forfeited in conformity with her laws, be not deemed Venezuelan, the Republic would want the necessary means of self-defence, or the power to punish the infringement of her laws.

“Article VIII. As in the old Treaty.

“Article IX. Ditto.

“Article X. Ditto.

“Article XI. Ditto.

“Article XII. This Article is not required now, for, after 1825 the legislation has experienced such changes, that a complete liberty

of worship exists in Venezuela; and, moreover, the interference with the exercise of such a liberty is viewed and punished as a misdemeanour. On the other hand, the cemeteries now in the Republic are burial-grounds for natives and foreigners with no difference of religion.

"Article XIII. This Article is not necessary to-day, the promise therein contained having been fulfilled on the 15th March, 1839, by the conclusion of a Treaty between Venezuela and Her Britannic Majesty for the abolition of the Slave Trade."

The XIVth Article has no *raison d'être* at this time, when the omission of 1825 is going to be filled.

The XVth Article might be drawn in this shape:—

"The present Treaty of Amity, Commerce, and Navigation shall be ratified according to the Constitution and law of the Republic of the United States of Venezuela, and by Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the ratifications shall be exchanged in London within the term of six months from this day, or sooner if possible."

It is thought advisable to add an Article fixing the duration of the Treaty.

"The present Treaty, which, from the date of its ratifications shall be substituted for the one concluded by Colombia and Great Britain on the 18th April, 1825, and renewed with Venezuela on the 29th October, 1834, shall expire five years after the exchange of its ratifications; but if, one year before the expiration of such a term, neither of the parties shall give to the other notice of its intention of terminating it, it shall continue in force for one year more, and so on from year to year till such notice is given."

No. 66.

Earl Granville to General Guzmán Blanco.

Foreign Office, January 28, 1885.

M. le Ministre:

I have the honour to state that I have carefully examined the draft Treaty between Great Britain and Venezuela, which you were so good as to communicate on the 22nd instant to Lord Edmond Fitzmaurice.

The draft in question is chiefly a re-enactment of the Treaty of 1825, but with the addition of some Articles of dealing with the inclusion of Her Majesty's Colonies, and with the duration of the Treaty itself, and of others dealing modifications of certain provisions of the Treaty which the Venezuelan Government consider to require amendment.

It is the opinion of Her Majesty's Government that the Treaty of 1825 is, in many respects, not in accordance with modern requirements and that it might with advantage be recast in many particulars. Her Majesty's Government are therefore of opinion that it is not advisable or opportune to reproduce these old Articles textually in a new Treaty.

I wish, however, to remind you that the two questions which have formed the subject-matter of the present negotiation are the duration of the Treaty and the meaning of the Colonial Article. In regard to the former, the term of five years, suggested as the minimum duration of the Treaty in the final Article of the draft appears to Her Majesty's Government as unusually short, and they trust that in any new Treaty, the Venezuelan Government will agree to a period of ten years at least.

The proposed addition to the IVth Article, dealing with the British Colonies, does not appear to Her Majesty's Government to meet the circumstances of the present case with sufficient explicitness. The prime object of Her Majesty's Government, in consenting to modify the existing Treaty, has been to secure the removal of the differential duties levied on goods imported into Venezuela from the West Indies. Her Majesty's Government have always held, and still hold, that the imposition of these duties constitutes an infraction of the Treaty of 1825; but the Government of Venezuela has sought to justify its action by placing on the Articles of the existing Treaty interpretations, in which Her Majesty's Government have not been able to concur. In the first place the Government of Venezuela has held that the Treaty does not apply to the Colonies. In regard to this contention, the proposed addition to Article IV would no doubt remove all uncertainty upon the subject. But, in the second place, the Venezuelan Government has maintained that even though the Treaty did apply to the Colonies, the differential duties are no infraction of the treatment stipulated for in Article IV. Thus, in his note of the 7th January, 1882, his Excellency the Minister for Foreign Affairs made the following statement to Her Majesty's Minister at Caracas: "The new Law, it is true, imposes a differential duty upon merchandize coming from the Antilles, but this duty is imposed on the merchandize of all nations, including Venezuela; so that even Venezuelan produce imported from those islands is subject to the additional duty. Thus, the unequal treatment alleged in your observations does not exist.

Again, in his note of the 15th March of the same year, his Excellency said: "Great Britain has a right that no other or higher duties be imposed on the importation of articles, the growth, produce or manufacture of either the metropolis or the British dominions, than may be imposed on the like products of metropolis or the dominions of any other foreign country.

"Our Law, whilst charging an additional tax on goods coming from the West Indies, makes no difference as regards the place from which they originally proceed, so that British goods coming

from the West Indies; no difference is made in favour of any particular country. Thus the right to perfect equality of treatment, which we are bound under our Treaty to extend to Great Britain is maintained intact."

Her Majesty's Government entirely dissent from this interpretation of the most favoured-nation Article.

Such an interpretation would indeed nullify that Article, for it would justify the imposition of differential duties in favour of France, for example, by a law declaring that lower duties should be paid on goods into Venezuela from France than on similar goods imported from England. In that case, it might equally be said that all goods coming from France, or from England respectively, were treated alike, because French goods sent through England to Venezuela would pay as high a duty as English goods, while English goods sent through France to Venezuela could get the benefit of the lower duties.

It does not appear to Her Majesty's Government that the additions to Article IV which you did me the honour to propose in the draft Treaty would exclude the above mentioned interpretation.

Her Majesty's Government are aware, however, from the assurances conveyed to Her Majesty's Minister at Caracas, with which you have no doubt been made acquainted, that an agreement on the Colonial Article has been already practically arrived at between the two Governments; and I have the honour to inclose a copy of the proposals sent by him on the 28th May last to Señor Vicente Amengual, and accepted by the latter as the basis of settlement. * These proposals embody on the one hand, the wish of Her Majesty's Government to safeguard the interests of Her Majesty's Colonies, and, on the other, they carry out the wish of the Venezuelan Government to provide a means of terminating the present Treaty.

To this draft Convention I have added the usual clause inserted in all the Treaties recently concluded by Her Majesty's Government allowing for the accession of the self-governing Colonies.

Lord Edmond Fitzmaurice reported to me your assurance, which I received with much gratification, that the Venezuelan Government were anxious that this long-pending question should be settled as soon as possible. This wish Her Majesty's Government entirely reciprocate and I may remind you that they have for a long period been pressing for a settlement of it. Under these circumstances, they trust you will be able at once to accept the above mentioned draft Convention and thus terminate the present controversy.

In conclusion, I may observe that the proposal communicated by you to Lord Edmond Fitzmaurice points to a desire on the part of the Venezuelan Government to conclude a full and revised Treaty with Great Britain. With this wish, the previous and immediate conclusion of the proposed agreement will in no wise interfere;

* See inclosure N° 60.

and I have the honour to inform you that Her Majesty's Government will be glad at the proper time to negotiate such a Treaty of the lines of that which has lately been concluded with the Republic of Paraguay. Of this Treaty I have the honour to inclose a copy, and to inform you that Her Majesty's Government will be very willing to consider in a friendly spirit any fresh points which the Government of Venezuela may desire to suggest for consideration.

In order to avoid any possibility of misunderstanding as to the interpretation of the most-favoured-nation Article, Her Majesty's Government have to insert in the most-favoured-nation Article of the above Treaty the words "whencesoever arriving," although in no wise of opinion that the Article without these, or similar words, will bear the meaning which was sought to be put upon it by the Government of Venezuela,

I have, &c.

(Signed).—GRANVILLE.

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No. 68.
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General Guzman Blanco to Earl Granville,—(Received March 25.)

(Translation.)

194, *Queen's Gate, London, March 21, 1885.*

My Lord,

I have had the honour of receiving your Excellency's note, dated the 28th January, respecting the project of a new Treaty of Commerce between Venezuela and Her Britannic Majesty which I handed to Lord E. Fitzmaurice on the 22nd of the same month. I received then also a draft of the proposal of your Excellency's Government, and a copy of a Treaty concluded between it and that of Paraguay on the 16th October 1884.

The present negotiation aims, on the one hand, at settling the controversy as to the duration of the Treaty made with Colombia in 1825, and renewed with Venezuela in 1834; and, on the other hand at settling the question of the additional duties established by the Republic on the importations from the Antilles.

I thought that both points might be made the subject of one Convention, and on that account I formulated a draft, in which most of the old Articles are preserved; an addition deciding the existing difficulty is introduced, and the propriety of bringing other Articles in harmony with the present state of things is pointed out.

Your Excellency says now that, as the Treaty of 1825 is in many respects at variance with modern requirements, and might advantageously be recast in another, Her Majesty's Government is of opinion

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that it is not advisable to reproduce the old Articles textually in a new Treaty.

But Your Excellency remarks that the addition proposed by me does not meet the circumstances of the present case, say, the removal of the aforesaid differential duties, with sufficient explicitness, owing to the construction put by Venezuela upon the Treaty of 1825 ; and Your Excellency adds that the two Governments have agreed practically on the Article about the Colonies, since Señor Vicente Amengual, the Minister for Foreign Relations, accepted, as the basis of settlement, the proposal sent in by Mr. Mansfield. The said Minister replied to that gentleman as follows :—

“ The President of the Republic is gratified to see that Her Majesty's Government adheres to the line of good understanding and cordiality which prepares the happy solution of these and other points in dispute between the two countries,

“ By this date Your Excellency knows that the Illustrious American, General Guzman Blanco, who, in his capacity as President, initiated and has conducted these matters, is going within some days to London, to represent Venezuela as Envoy Extraordinary and Minister Plenipotentiary. One of the commissions intrusted to him is relative to the points in question ; therefore Your Excellency will find only natural and logic that the President should fix that capital as the seat of the negotiation. Such an appointment, before it was made, had been communicated to Your Excellency.

“ In saying then to Your Excellency that the Illustrious American will soon communicate the answer of the Government, and repeating the expression of its satisfaction at the turn things are taking, I renew to Your Excellency the assurances of my highest consideration.”

It is this answer that I have made to Your Excellency by proposing a Convention by which a term is fixed in the Treaty of 1825, and the repeal of the Decree imposing the additional duties is stipulated at the same time.

But, since your Excellency has evinced a disposition to substitute for the obsolete compact of 1825 another in accordance with the modern requirements, and has sent me as a type the Treaty concluded between Her Britannic Majesty and Paraguay on the 16th October, 1884, I accept the same, reserving to me the presentation, on the fitting opportunity, of such alterations, suppressions, or additions as our peculiar circumstances may require.

The clause concerning the Colonies might be inserted therein with all the desirable perspicuity, so as to produce the repeal of the differential duties Decree.

I repeat now what I stated to Lord Edmond Fitzmaurice on my handing to him my draft, viz., that I am anxious to conclude this negotiation at the soonest ; that the commercial community of Trinidad, which shows itself friendly to the peace of Venezuela, may shortly reap the benefits of the suppression of those duties.

Add to this the consideration that the Venezuelan Legislature, the ordinary annual Session of which lasts only seventy days, and, in case of extension of the same, ninety, met on the 25th February, and

consequently has little time left to examine and approve, subject to the constitutional formalities in each House, the Treaty we may conclude.

I renew, &c.

(Signed)—GUZMAN BLANCO.

No. 69.

Earl Granville to General Guzmán Blanco

Foreign Office, April 2, 1885.

M. le Ministre.

I have the honour to acknowledge the receipt of your note of the 21st ultimo respecting the Treaty relations between Her Majesty's Government and the Republic of Venezuela.

In my note of the 28th January last, I had the honour to inform you of the points in which the draft Treaty communicated by you to Lord Edmond Fitzmaurice was insufficient to put an end to the differences which have arisen respecting the interpretation of the Treaty of 1825; and I inclosed a copy of a draft of Convention which had already been submitted to the Cabinet at Caracas.

Throughout the discussion of this question Her Majesty's Government have shown the greatest anxiety to meet the legitimate wishes of the Government of the Republic. They accordingly acquiesced at once in the wish of that Government for a new Treaty, and proposed to negotiate a full Treaty in accordance with modern precedents, after the signature of the Convention. But they did not anticipate that their action in so doing could be a source of fresh delay. They regret, therefore, that in your note, to which I now have the honour to reply, while the proposal to negotiate an entirely new Treaty is accepted, it is not stated whether the Venezuelan Government finally accepts the draft Convention, or for what reasons they reject it, if such is their meaning and intention. Her Majesty's Government also regret that in accepting the Treaty with Paraguay as the basis for the new Treaty, it is not stated in what particulars the Venezuelan Government wish to see it altered.

I fear that owing to the delay which has taken place, it will now be impossible to decide what alterations, if any, may be requisite, in time for the Treaty to be approved by the Venezuelan Legislature in the present Session. This being the case, I trust, M. le Ministre, that you are able to proceed immediately to the signature of the draft Convention, with the terms of which the Venezuelan Government is already familiar. The signature need

not interfere with the subsequent negotiation of an entirely new Treaty.

But whether you are able immediately to accept the Convention or not, I trust that you will, in order to prevent the lapse of any time between the signature of the definitive Agreement and the abrogation of the differential duties, most strongly urge your Government by telegraph to take the necessary constitutional powers by anticipation before the close of the Legislative Session to remit those duties as soon as a Treaty or other Agreement shall have been signed. Such Treaty or other Agreement could then be submitted to the Legislature in the next Session.

The adoption by Venezuela of an interpretation of the most-favoured-nation clause which establishes differential duties against a part of Her Majesty's dominions, and which is quite different to that hitherto accepted generally, could not be considered by Her Majesty's Government otherwise than as an unfriendly act. They note, however, with satisfaction the expression of your desire to settle the question, and they feel convinced that you will, as a proof of that desire, use your great influence with the Venezuelan Government to prevent any further delay taking place at the present stage of the negotiations, when each part is acquainted with the wishes of the other, and has happily found means of acceding to them.

I may point out to you that considerable interest is taken in this subject in Parliament, and that Her Majesty's Government will shortly be under the necessity of presenting papers.

I have, &c.

(Signed).—*Granville*.

General Guzmán Blanco to Earl Granville.—(Received April 8)

(Translation.)

(Extract.)

194 *Queen's Gate, London, April 6, 1885,*

I have the honor of informing Your Excellency that I have received your communication of the 2nd instant respecting a Treaty of Amity and Commerce between Venezuela and Great Britain.

Since my arrival in this country, at the first interview I held with Your Excellency, I stated that the Government, of the Republic was ready to terminate, as wished by Her Britannic Majesty's Government, the point spoken of in Mr. Mansfield's note of the 15th October 1883,* namely, the differential duties imposed upon the imports from British Colonies.

Your Excellency referred me, for the discussion of details, to Lord E. Fitzmaurice and Sir Julian Pauncefoot. I have had with them several interviews concerning the points I was instructed to bring to a speedy end.

*See Nos. 47 and 49.

Confining myself here to the subject of the Treaty, may I be permitted to remind that it was I who brought forth the first formula for giving a solution to the difficulties that had occurred. Your Excellency found it to be insufficient, declaring at the same time that many of the provisions in the Treaty of 1825 were not in accordance with modern requirement and inclosing copies of the one concluded with Paraguay on the 16th October 1884, to be taken as a standard. On the same occasion Your Excellency assured me that an agreement had already practically been arrived at between the two Governments about the colonial Article, since M. Amengual had accepted as the basis of settlement the proposals sent to him by Colonel Mansfield. Your Excellency transmitted them to me with an additional clause relative to the selfgoverning Colonies. All those circumstances prescribed for me the duty of consulting with my Government particularly as Your Excellency's statement, that Señor Amengual had accepted the proposal of Mr. Mansfield, was not in harmony with my instructions. As soon as I received a reply, I addressed to Your Excellency's note dated the 21st March. So that, if in the course of this negotiation, a delay has occurred, it has not been owing to me, but to the turn things have taken.

If Her Majesty's Government are anxious to terminate this question, the Venezuelan Government, which have sent me here with such a purpose, are no less prompted by the same earnest desire.

After the receipt of my new instructions, it is not possible for me to treat about the draft Convention referred to, and to put off till another time the resumption of the negotiation for a new Treaty. It is incumbent upon me to forward the conclusion of the latter alone, this the means not only of settling the existing differences, but of laying at once and forever the foundations of a solid good understanding between the two parties, and the means, moreover of simplifying the work by causing it to be one, instead of dividing it into several.

Upon the strength of the above, I transmit to Your Excellency the project of a Treaty which I am authorized to agree upon and sign as soon as Your Excellency is willing to do so. It is identical in most of its Articles with the Treaty of Paraguay, which Your Excellency sent me as a type; and some alterations only have been made in the IInd and IVth Articles, and a new one has been introduced in regard to the necessity of arbitration as the single means of preventing any difference from affecting the friendly relations between the two countries. The Treaty I present, immediately after the exchange of its ratifications, would be substituted for that of 1834, and would secure the results wished for on both sides.

The moment it would be signed, I should communicate the fact by telegraph to my Government, with the certainty that they would call upon Congress to extend its present Session in order to examine and approve of the compact. At all events, the differential duties would be suppressed, so that no inconvenience need be apprehended in this particular.

Project of Treaty.

Article II.

The contracting Parties agree that in all matters relating to commerce and navigation, any privilege, favour, or immunity whatever other than those provided for under Article III, which either Contracting Party has actually granted or may hereafter grant to the subjects or citizens of any other State, shall be extended immediately to the subjects or citizens of the other Contracting Party, unconditionally, if they are unconditional, and under the same equivalent if they are conditional, it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other on the footing of the most favoured nation.

Article IV

British ships and their cargoes shall, in the United States of Venezuela, and Venezuelan ships and their cargoes, in the dominions and possessions of Her Britannic Majesty, from whatever place arriving, and whatever may be the place of origin or destination of their cargoes, be treated in every respect as national ships and their cargoes.

The preceding stipulation applies to local treatment, dues and charges in the ports, basins, docks, roadsteads, and harbours of the two countries, pilotage, and generally to all matters connected with navigation; but it includes neither the internal navigation of rivers nor the coasting trade.

Every favour or exemption in these respects, or any other privilege in matters of navigation except in so far as the one provided for under Article III which either of the Contracting Parties shall grant to a third Power, shall be extended immediately to the other party unconditionally, if they be unconditional, and under the same equivalent if they be conditional.

All vessels which according to British Law are to be deemed British vessels, and all vessels which according to the law of the United States of Venezuela are to be deemed Venezuelan vessels, shall, for the purposes of this Treaty, be respectively deemed British or Venezuelan vessels.

Article XVI

If, as it is to be deprecated, there shall arise between Venezuela and Great Britain any difference which cannot be adjusted by the usual means of friendly negotiation, the Contracting Parties agree to submit the decision of said difference to the arbitration of a third Power, in amity with both, without resorting to war.

Article XVII

The present Treaty, which from the date of the exchange of its ratifications shall be substituted for the one concluded between Colombia and Great Britain on the 18th April, 1825, and renewed with Venezuela on the 29th October, 1834, shall continue in force during ten years, counted from the above date, and in case neither of the two Contracting Parties shall have given notice twelve months before the expiration of the said period of ten years of their intention of terminating the present Treaty, it shall remain in force until the expiration of one year from the date on which either of the Contracting Parties shall have given such notice.

N^o 72

Earl Granville to General Guzman Blanco.

Foreign Affairs. April 15 1885.

M. le Ministre.

I Have the honour to acknowledge the receipt of your note of the 6th instant, informing me that you are unable to sign the proposed Convention for regulating *ad interim*, until the negotiation of a full Treaty, the differences which have arisen as to the interpretation of the existing Treaties between Great Britain and Venezuela. Her Majesty's Government are of opinion that the proposed Convention would have been the more expeditious way of dealing with the question, but they are desirous of meeting the wishes of your Government as far as possible, and agree to the immediate conclusion of a full Treaty. They note with satisfaction the assurance which you give, that the Treaty can be ratified during the present Session of the Venezuelan Legislature.

The proposal to settle by arbitration questions which may arise between the countries meets with the entire concurrence of Her Majesty's Government. Experience has shown, however, that when a difference has once arisen, it is often difficult to come to an understanding as to the course to be followed respecting the actual selection of the Arbitrator or Arbitrators, and respecting the procedure of the Arbitration Commission or Tribunal when appointed. Her Majesty's Government suggest, therefore, the adoption of the fuller Article added as a Protocol to the Treaty of the 15th June 1883, between Her Majesty the Queen and His Majesty the King of Italy. I have the honour to inclose a copy of that Treaty,

The proposed IInd and IVth Articles, inclosed in your abovementioned note of the 6th. instant, would grant to the trade and commerce of the High Contracting Parties a conditional most-favoured-nation treatment only. The policy pursued by Her Majesty's Government in matters of commercial and economic legislation is such that it appears to them that no condition of the nature proposed can be required by Venezuela in respect of British trade in the Republic; and they, on their part, desire under all circumstances to extend to Venezuelan trade every

favour or privilege they may grant to any other Power. You are, no doubt, aware that in this country every protective restriction or duty has been repealed. Customs duties are levied only for the purpose of raising revenue; and where they are levied on foreign goods which are also produced in the United Kingdom, a corresponding excise or inland duty is levied on the home-produced article. Even the coasting trade and the trade between the mother-country and the Colonies is entirely open to foreigners and foreign ships. And, finally, any concession made to one Power is immediately and unconditionally extended to all other even to Powers having no Commercial Treaty with Great Britain. The interests of Venezuela in the self-governing Colonies are sufficiently protected by the Article relating to the Colonies, as any such Colony acceding to the Treaty, and thus becoming entitled to absolute most-favoured-nation treatment for its trade in Venezuela would be bound to give similar treatment to Venezuelan trade.

Great Britain, having already made every possible concession to foreign trade, would not be able to make the equivalent or similar concessions required by the Articles proposed on behalf of Venezuela. It would in each case be found that she had already granted freely and unconditionally the very favour which had been purchased by a Power pursuing less liberal commercial policy.

I trust that a consideration of these circumstances will convince you, M. le Ministre, that the restricted most-favoured-nation clauses proposed are not required in a Treaty with Great Britain, and that you will thus be able to agree to their standing as in the Treaty with Paraguay.

I am &c.

(Signed).—GRANVILLE.

N^o 76.

General Guzmán Blanco to Earl Granville.—(Received May 12).
(Translation).

194, *Queen's Gate, London, May 6, 1885.*

My Lord.

I have had the honour of receiving your despatch of the 15th ultimo in answer to mine of the 6th.

Your Excellency assents, for which I am most thankful, to my proposal of proceeding at once to conclude a full Treaty, involving also the settlement of the differences arising out of the Venezuelan Decree, by which an additional duty upon the importations from the Antilles was created.

Your remarks refer to the arbitration and the most-favoured-nation Articles.

As to the former I suggested this wording:—

“If, as it is to be deprecated, there shall arise between Venezuela and Great Britain any difference which cannot be adjusted by the usual

means of friendly negotiation, the two Contracting Parties agree to submit the decision of said difference to the arbitration of a third Power in amity with both, without resorting to war."

Your Excellency assures me that the proposal to settle by arbitration, questions which may arise between the countries, meets with the entire concurrence of Her Majesty's Government, and, after remarking that experience has shown that when a difference has once arisen, it is often difficult to come to an understanding as to the course to be followed respecting the actual selection of the Arbitrator or Arbitrators, and respecting the procedure of the Arbitration Commission or Tribunal when appointed, suggests the adoption of the fuller Article added as a Protocol to the Treaty of the 15th June, 1883, between Her Majesty the Queen and His Majesty the King of Italy.

This Protocol runs thus:—

"Any controversies which may arise respecting the interpretation or the execution of the present Treaty, or the consequences of any violation thereof, shall be submitted, when the means of settling them directly by amicable agreement are exhausted, to the decision of Commissions of Arbitration, and that the result of such arbitration shall be binding upon both Governments.

"The members of such Commissions shall be selected by the two Governments by common consent, failing which each of the parties shall nominate an Arbitrator, or an equal number of Arbitrators, and the Arbitrators thus appointed shall select an umpire.

"The procedure of the arbitration shall in each case be determined by the Contracting Parties, failing which the Commission of Arbitration shall be itself entitled to determine it beforehand."

This concerns only the controversies arising out of the interpretation or execution of the Treaty to be concluded, but not those emanating from another source. On the other hand, it seems that the Commissions of Arbitration spoken of will not consist of Powers, but of private persons;

Now, the clause which the Federal Constitution of the Republic prescribes for her guidance is as follows:—

"Article 109. In the International Treaties of Commerce and Amity, there shall be inserted a clause to the effect that all differences between the Contracting Parties shall be decided without appeal to war by the arbitration of a friendly Power, or of friendly Powers."

Venezuela has agreed thereto with the United States of Colombia, Italy, Denmark, Belgium, Spain, El Salvador, and Bolivia.

In conformity with that Article I wrote the one stipulating for arbitration in a general way, and with reference to third Powers.

I think that, owing to the above reflections, your Excellency will find me justified in again calling your attention to the wording of the arbitration clause, in the hope that it may bring about every desirable result.

Moreover, I fain agree to what, in connection with the procedure, is suggested by Your Excellency as a means of supplying the deficiencies shown by experience.

Proceeding now to consider the most-favoured-nation clause, it is incumbent upon me to remind your Excellency that Venezuela has not yet reached such a development as to be able to enter upon the financial system adopted by Great Britain.

So her legislation rests upon contrary principles, and it would require to change it radically to give room to the new Britannic system.

For instance, the 18th Law of her Fiscal Code defines thus the coasting trade :—

“Interior maritime coasting trade is that carried on from ports of entry and points on the Venezuelan coast by national vessels transporting foreign goods which have paid the duties levied thereon, or produce the growth of the country.”

In accordance with that, in a treaty between Venezuela and Spain of the 20th May, 1882, it was stipulated that, the coasting trade of the respective countries should remain exclusively reserved to the national flag; and so on in other Treaties.

There are among nations special grounds which make them determine upon certain acts. I will quote an example from a Treaty signed between Venezuela and New Granada on the 23rd July, 1842, the XXVIth article of which is to the following effect :—

“The Republic of Venezuela and the Republic of New Granada, with a view to prevent any interpretation contrary to their intentions, do hereby declare that any advantages with both or either of them may derive from the foregoing stipulations are and must be understood to be a natural result of the political connections they formed when before united in a single body of nation, and as a compensation for the alliance they have entered into to support their independence.”

Here are not one but several reasons which justified the granting of exceptional favours by each of the two Republics to the other, and another highly important reason may be added anent the navigation of some of them traversing the territory of both nations or receiving affluents from each other.

In such a case there would be no ground for extending the stipulations required by the same to third Powers differently circumscribed.

I come, therefore, to the conclusion that, so long as Venezuela does not attain to the stage of development and prosperity at which Great Britain has arrived, it is not possible for the former to agree upon that clause as desired by Your Excellency.

Such being the case, I propose either to preserve the IXth Article in the old Colombian Treaty, or to leave out the word “unconditionally” in the IInd and IIIrd Article in the Paraguayan Treaty, and the word “rivers” in the IIIrd, adding that the coasting trade is not included in the concessions therein expressed.

I remain, &c.

(Signed)—GUZMAN BLANCO.

Earl Granville to General Guzmán Blanco.

M. le Ministre,

Foreign Office, May 15th 1885.

I have the honour to acknowledge the receipt on the 12th instant of your note, dated the 6th instant, respecting the proposed new Treaty between Great Britain and Venezuela.

In reply, I have the honour to inform you that Her Majesty's Government¹ agree to the substitution of the phrase "Power" to be chosen by the High Contracting Parties instead of "Arbitrators" in the Article respecting arbitration, and that they further agree that the undertaking to refer differences to arbitration shall include all differences which may arise between the High Contracting Parties, and not those only which arise on the interpretation of the Treaty.

Her Majesty's Government are also prepared to meet generally the wishes of the Venezuelan Government as to river navigation and coasting trade as connected with it; but I beg leave to point out that this exception to most-favoured-nation or national treatment should not interfere with ocean-going steamers touching consecutively at two or more ports of the Republic.

With regard to the arrangements made by Venezuela with Colombia, I have the honour to state that Her Majesty's Government will agree that the provisions of the most-favoured-nation Article proposed by them shall not include special arrangements with regard to local trade entered into by Venezuela with respect to traffic across the land frontier.

I trust that these modifications will meet your views, and that I may shortly hear from you that a formal draft Treaty framed on that with Paraguay, with the addition of an Article respecting arbitration and the alterations in the most-favoured-nation stipulations now suggested, may be prepared for your approval.

I am, &c.

(Signed)—*Granville.*

No. 78

General Guzmán Blanco to Earl Granville.—(Received June 10.)

(Translation.)

194, *Queen's Gate London, June 8, 1885.*

My Lord,

I have with much satisfaction received Your Excellency's despatch of the 15th ultimo, by which your Excellency is pleased to inform me that Her Majesty's Government agree to the substitution of the phrase "Power" to be chosen by the High Contracting Parties instead of "Arbitrators" in the Article respecting "arbitration," and that they further agree that the undertaking to refer differences to arbitration shall include all differences which may arise between the High Con-

tracting Parties, and not those only which arise on the interpretation of the Treaty.

Your Excellency adds that Her Majesty's Government are also prepared to meet generally the wishes of the Venezuelan Government as to river navigation and coasting trade as connected with it, but on the understanding that this exception to most-favoured-nation or national treatment should not interfere with ocean-going steamers touching consecutively at two or more ports of the Republic.

Your Excellency states at last that Her Majesty's Government will agree that the provisions of the most-favoured-nation Article proposed by them shall not include special arrangements entered into by Venezuela with neighbouring countries with respect to traffic across the land frontier.

These premises being set down and taking into account, with reference to river navigation and coasting trade, that the Fiscal Laws of the Republic permit foreign vessels to take cargoes or passengers to two or more authorised ("habilitados") ports, or to receive them there, I see that the negotiation is about to terminate satisfactorily.

Upon the understanding, therefore, that we agree as to the points expressed and those which have not been made the subject of any particular remark, I hope that Your Excellency, according to the closing part of your note, will deign to have prepared and sent to me for examination a formal draft Treaty framed on that concluded between Great Britain and Paraguay on the 18th October, 1884, and on the results of the negotiation we have pursued.

In order to facilitate the accomplishment of such a work, I beg leave to inclose a draft Treaty elaborated upon the aforesaid bases.

I renew, &c.

(Signed).—GUZMÁN BLANCO,

Inclosure in N^o. 78

Draft Treaty between Great Britain and Venezuela

The Government of the United States of Venezuela, and the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous of putting an end to the differences which have arisen respecting the meaning of certain stipulations in the Treaty between the Republic of Colombia and Great Britain on the 18th April, 1825, which Treaty was adopted and confirmed by the Treaty between Venezuela and Great Britain, signed on the 29th October, 1834, have appointed as their respective Plenipotentiaries, to wit, the Government of the United States of Venezuela;

And the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland;

Who, after having communicated to each other their full powers

and found them in good and due form, have agreed upon the following Articles:—

Article I

There shall be perfect peace and sincere friendship between the Republic of the United States of Venezuela and the United Kingdom of Great Britain and Ireland, and between the subjects and citizens of both States, without exception of persons or of places. The High Contracting Parties shall use their best endeavours that this friendship and good understanding may be constantly and perpetually maintained.

Article II

The Contracting Parties agree that, in all matters relating to commerce and navigation, any privilege, favour, or immunity whatever which either Contracting Party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended immediately to the subjects or citizens of the other Contracting Party; it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other on the footing of the most favoured nation,

Article III

The produce and manufactures of, as well as all goods coming from, the dominions and possessions of Her Britannic Majesty, which are imported from whatsoever place into Venezuela, and the produce and manufactures of as well as goods coming from Venezuela, which are imported from whatsoever place into the dominions and possessions of Her Britannic Majesty, whether intended for consumption, warehousing, re-exportation, or transit, shall be treated in the same manner as, and in particular shall be subjected to no higher or other duties, whether general, municipal, or local, than the produce, manufactures, and goods, whencesoever arriving, of any third country the most favoured in this respect. No other or higher duties shall be levied in Venezuela, on the exportation of any goods to the dominions and possessions of Her Britannic Majesty, or in the dominions and possessions of Her Britannic Majesty on the exportation of any goods to Venezuela than may be levied on the like exportation of the like goods to any third country the most favoured in this respect.

Neither of the Contracting Parties shall establish a prohibition of importation, exportation, or transit against the other which shall not, under like circumstances, be applicable to any third country the most favoured in this respect.

In like manner, in all that relates to local dues, customs, formalities, brokerage, patterns, or samples introduced by commercial travellers, and all other matters connected with trade, British subjects in Venezuela, and Venezuelan citizens in the dominions and possessions of Her Britannic Majesty, shall enjoy most-favoured-nation treatment.

Article IV.

British ships and their cargoes shall, in the United States of Venezuela, and Venezuelan vessels and their cargoes shall, in the dominions and possessions of Her Britannic Majesty, from whatever place arriving and whatever may be the place of origin or destination of their cargoes, be treated in every respect as national ships and their cargoes.

The preceding stipulation applies to local treatment, dues, and charges in the ports, basins, docks, roadsteads, and harbours of the two countries, pilotage, and generally to all matters connected with navigation.

Every favour or exemption in these respects or any other privilege in matters of navigation, which either of the Contracting Parties shall grant to a third Power, shall be extended immediately to the other party, but it includes neither the internal navigation of rivers nor the coasting trade, nor special arrangements with regard to local trade entered into by Venezuela with neighbouring countries with respect to traffic across the land frontier.

The vessels of the two Contracting Parties shall be at liberty to touch consecutively at two or more ports of the other, open to foreign commerce, for such purposes and under such requirements as have been specified and established by the respective laws.

All vessels which, according to British law, are to be deemed British vessels, and all vessels which, according to the law of the United States of Venezuela, are to be deemed Venezuelan vessels, shall, for the purposes of this Treaty, be respectively deemed British or Venezuelan vessels.

Article V.

The subjects or citizens of each of the Contracting Parties shall have in the dominions and possessions of the other the same rights as natives, or as subjects or citizens of the most favoured nation, in regard to patents for inventions, trade marks, and designs, upon fulfilment of the formalities prescribed by law.

Article VI

The subjects or citizens of each of the Contracting Parties, who reside permanently or temporarily in the dominions and possessions of the other, shall be at full liberty to exercise civil rights, and therefore to acquire, possess, and dispose of property movable and immovable. They may acquire and transmit the same to others, whether by purchase, sale, donation, exchange, marriage, testament, succession *ab intestato*, and in any other manner, under the same conditions as natives of the country. Their heir may succeed to and take possession of it, either in person or by procurators, in the same manner and in the same legal forms as natives of the country.

In none of these respects shall they pay upon the value of such property any other or higher imposts, duty, or charge than is payable by natives of the country. In every case the subjects or citizens of the

Contracting Parties shall be permitted to export their property, or the proceeds thereof if sold, freely and without being subjected on such exportation to pay any duty different from that to which natives of the country are liable under similar circumstances.

Article VII

The dwellings, manufactories, warehouses and shops of subjects or citizens of each of the Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the laws for natives of the country.

The subjects or citizens of each of the two Contracting Parties in the dominions and possessions of the other shall have free access to the Courts of Justice for the prosecution and defence of their rights, without other conditions, restrictions, or taxes beyond those imposed on native subjects or citizens, and shall, like them, be at liberty to employ, in all cause, their advocates, attorneys, or agents from among the persons admitted to the exercise of those professions according to the laws of the country.

Article VIII.

The subjects of each of the Contracting Parties in the dominions and possessions of the other shall be exempted from billeting, and from all compulsory military service whatever, whether in the army, navy, or national guard, or militia. They shall likewise be exempted from all contributions, whether pecuniary or in kind, imposed as a compensation for billeting and for personal service, and, finally, from forced loans and military exactions or requisitions of any kind.

Article IX.

The subjects or citizens of either of the two Contracting Parties residing in the dominions and possessions of the other shall enjoy, in regard to their houses, persons, and properties, the protection of Government in as full and ample a manner as native subjects or citizens.

In like manner the subjects or citizens of each Contracting Party shall enjoy, in the dominions and possessions of the other, full liberty of conscience, and shall not be molested on account of their religious belief; and such of those subjects or citizens as may die in the territories of the other party shall be buried in the public cemeteries, or in places appointed for the purpose, with suitable decorum and respect.

The subjects of Her Britannic Majesty residing within the territories of the Republic of the United States of Venezuela shall be at liberty to exercise in private and in their own dwellings, or within the dwellings or offices of Her Britannic Majesty's Consuls or Vice-Consuls, or in any public edifice set apart for the purpose, their religious rites,

services, and worship, and to assemble therein for that purpose without hindrance or molestation.

Article X

Each of the Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents to reside respectively in towns or ports in the dominions and possessions of the other Power. Such Consular officers, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the Government to which they are sent. They shall exercise whatever functions, and enjoy whatever privileges, exemptions, and immunities are, or may hereafter be, granted there to Consular officers of the most favoured nation.

Article XI

In the event of any subject or citizen of either of the two Contracting Parties dying without will or testament in the dominions and possessions of the other Contracting Party, the Consul-General, Consul, or Vice-Consul of the nation to which the deceased may belong, or, in his absence, the Representative of such Consular officer, shall, so far as the laws of each country will permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator be named by the said Consul General Consul or Vice-Consul or his Representative.

Article XII

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties residing in the dominions and possessions of the other shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

Article XIII

Any ship of war or merchant-vessel of either of the Contracting Parties which may be compelled, by stress of weather or by accident, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to continue their voyage, without paying any dues other than such as would be payable in a similar case by a national vessel.

In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandize in order to defray his expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the Contracting Parties should run aground or be wrecked within the territory of the other, such ship or vessel, and all parts thereof, and all furniture and appurtenances belonging thereunto, and all goods and merchandize saved therefrom, including any which may have been cast out of the ship, or the proceeds thereof if sold, as well as all papers found on board such stranded or wrecked ship or vessel shall be given up to the owners or

their agents when claimed by them. If there are no such owners or agents on the spot, then the same shall be delivered to the British or Venezuelan Consul-General, Consul, Vice-Consul, or Consular Agent in whose district the wreck or stranding may have taken place, upon their being claimed by him within the period fixed by the laws of the country and such Consuls, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all duties of customs unless cleared for consumption, in which case they shall pay the same rate of duty as if they had been imported in a national vessel.

In the case either of a vessel being driven in by stress of weather, run aground, or wrecked, the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorized to interpose in order to afford the necessary assistance to their fellow-countrymen.

Article XIV.

For the better security of commerce between the subjects of Her Britannic Majesty and the citizens of the Republic of the United States of Venezuela, it is agreed that if at any time any interruption of friendly intercourse or any rupture should unfortunately take place between the two Contracting Parties, the subjects or citizens of either of the said Contracting Parties who may be established in the dominions or territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining and continuing such trade or employment therein, without any manner of interruption, in full enjoyment of their liberty and property, so long as they behave peacefully and commit no offence against the laws; and their goods, property, and effects, of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands than those which may be made upon the like goods, property, and effects belonging to native subjects or citizens. Should they, however, prefer to leave the country, they shall be allowed to make arrangements for the safe keeping of their goods, property, and effects, or to dispose of them, and to liquidate their accounts; and a safe-conduct shall be given them to embark at the ports which they shall themselves select.

Article XV.

If, as it is to be deprecated, there shall arise between the United States of Venezuela and the United Kingdom of Great Britain and Ireland any differences which cannot be adjusted by the usual means of friendly negotiation, the two Contracting Parties agree to submit the decision of all such differences to the arbitration of a third Power,

or of several Powers, in amity with both, without resorting to war, and that the result of such arbitration shall be binding upon both Governments.

The arbitrating Power or Powers shall be selected by the two Governments by common consent, failing which each of the parties shall nominate an arbitrating Power, and the Arbitrators thus appointed shall be requested to select another Power to act as umpire.

The procedure of the arbitration shall in each case be determined by the Contracting Parties, failing which the arbitrating Power or Powers shall be themselves (entitled to) determine it beforehand.

Article XVI.

The stipulations of the present Treaty shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty, so far as the laws permit, excepting to those hereinafter named, that is to say, except to :—

The Dominion of Canada.

Newfoundland.

New South Wales.

Victoria.

South Australia.

Western Australia.

Tasmania.

Queensland.

New Zealand.

The Cape.

Natal.

Provided always that the stipulations of the present Treaty shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative in the United States of Venezuela to the Venezuelan Minister for Foreign Affairs within two years from the date of the exchange of ratifications of the present Treaty.

Article XVII.

The present Treaty shall continue in force during ten years, counted from the day of the exchange of the ratifications, and in case neither of the two Contracting Parties shall have given notice twelve months before the expiration of the said period of ten years of their intention of terminating the present Treaty, it shall remain in force until the expiration of one year from the day on which either of the Contracting Parties shall have given such notice.

Article XVIII.

The present Treaty shall be ratified by His Excellency the President of the Republic of Venezuela and by Her Majesty the Queen of Great Britain and Ireland, and the ratifications shall be exchanged in London as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done in London on the day of in the year of our Lord

No. 79.

Earl Granville to General Guzmán Blanco.

Foreign Office, June 18, 1885.

M. le Ministre.

I have the honour to acknowledge the receipt of your note of the 8th instant, forwarding the draft of a new Treaty of Friendship, Commerce, and Navigation between Great Britain and Venezuela, to replace the Treaties of 1825 and 1834, founded on the text of the Treaty recently concluded between Great Britain and Paraguay, and on correspondence which has passed between us.

I have the honour to submit, for your consideration, copies of this document in print, in order to avoid any misapprehension; and I beg to offer the following observations with respect to them. The words inserted in *italics* in Articles II, VI and XVIII appear to have been inadvertently omitted in the copy inclosed in your note. The clause in *italics* at the end of Article XV would seem to render that Article more explicit, and to be useful for this purpose. India should be included in the list of British Colonies and foreign possessions in Article XVI. It was omitted in the text of the Treaty with Paraguay as signed, but this error has been rectified in the exchange of ratifications.

I trust that the text of the proposed Treaty as printed, with the several corrections now specified, will meet with your concurrence, and that you will be so good as to signify your consent to them at your earliest convenience, in order that the draft of the proposed Treaty may be referred to the Departments of Her Majesty's Government concerned.

I am, &c.

(Signed)--*Granville.*

Inclosure in No. 79.

Draft Treaty between Great Britain and Venezuela. —(Communicated by Guzmán Blanco, June 8, 1885.)

The Government of the United States of Venezuela, and the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being desirous of putting an end to the differences which have arisen respecting the meaning of certain sti-

pulations in the Treaty between the Republic of Colombia and Great Britain of the 18th April, 1825 which Treaty was adopted and confirmed by the Treaty between Venezuela and Great Britain signed on the 29th October, 1834, have appointed as their respective Plenipotentiaries, to wit :

The Government of the United of Venezuela,

And the Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland,

Who, after having communicated to each other their full powers, and found them in good and due form, have agreed upon the following Articles :

Article I.

There shall be perfect peace and sincere friendship between the Republic of the United States of Venezuela and the United Kingdom of Great Britain and Ireland, and between the subjects and citizens of both States, without exception of persons or of places. The High Contracting Parties shall use their best endeavours that this friendship and good understanding may be constantly and perpetually maintained.

Article II.

The Contracting Parties agree that, in all matters relating to commerce and navigation any privilege, favour, or immunity whatever, which either Contracting Party has actually granted, or may hereafter grant, to the subjects or citizens of any other State shall be extended immediately *and unconditionally* to the subjects or citizens of the other Contracting Party; it being their intention that the trade and navigation of each country shall be placed, in all respects by the other on the footing of the most favoured nation.

Article III.

The produce and manufactures of, as well as all goods coming from, the dominions and possessions of Her Britannic Majesty, which are imported from whatsoever place into Venezuela, and the produce and manufactures of as well as goods coming from Venezuela which are imported from whatsoever place into the dominions and possessions of Her Britannic Majesty, whether intended for consumption, warehousing, re-exportation, or transit shall be treated in the same manner as, and in particular shall be subjected to no higher duties, whether general, municipal, or local, than the produce, manufactures and goods, whencesoever arriving, of any third country the most favoured in this respect. No other or higher duties shall be levied in Venezuela on the exportation, of any good to the dominions and possessions of Her Britannic Majesty, or in the dominions and possessions of Her Britannic Majesty, on the exportation of any goods to Venezuela, that may be levied on the exportation of the like goods to any third country the most favoured in this respect.

Neither of the Contracting Parties shall establish a prohibition of importation, exportation, or transit against the other which shall not, under like circumstances, be applicable to any third country the most favoured in this respect.

In like manner, in all that relates to local dues, customs, formalities, brokerage, patterns or samples introduced by commercial travellers, and all other matters connected with trade, British subjects in Venezuela, and Venezuelan citizens in the dominions and possessions of Her Britannic Majesty, shall enjoy most-favoured-nation treatment.

Article IV.

British ships and their cargoes shall, in the United States of Venezuela, and Venezuelan vessels and their cargoes shall, in the dominions and possessions of Her Britannic Majesty, from whatever place arriving, and whatever may be the place of origin or destination of their cargoes, be treated in every respect as national ships and their cargoes.

The preceding stipulation applies to local treatment, dues and charges in the ports, basins, docks, roadsteads, and harbours of the two countries, pilotage, and generally to all matters connected with navigation.

Every favour or exemption in these respects, or any other privilege in matters of navigation which either of the Contracting Parties shall grant to a third Power, shall be extended immediately to the other party; but it includes neither the internal navigation of rivers nor the coasting trade nor special arrangements with regard to local trade entered into by Venezuela with neighbouring countries with respect to traffic across the land frontier.

The vessels of the two Contracting Parties shall be at liberty to touch consecutively at two or more ports of the other, open to foreign commerce, for such purposes and under such requirements as have been specified and established by the respective laws.

All vessels which, according to British law, are to be deemed British vessels, and all vessels which, according to the law of the United States of Venezuela, are to be deemed Venezuelan vessels, shall, for the purposes of this Treaty, be respectively deemed British or Venezuelan vessels.

Article V.

The subjects or citizens of each of the Contracting Parties shall have in the dominions and possessions of the other, the same rights as natives, or as subjects or citizens of the most favoured nation, in regard to patents for inventions, trade marks, and designs, upon fulfilment of the formalities prescribed by law.

Article VI.

The subjects or citizens of each of the Contracting Parties who reside permanently or temporarily in the dominions and possessions of the other shall be at full liberty to exercise civil rights, and therefore

to acquire, possess, and dispose of *every description of* property movable and immovable. They may acquire and transmit the same to others, whether by purchase, sale, donation, exchange, marriage, testament, succession *ab intestato*, and in any other manner, under the same conditions as natives of the country. Their heirs may succeed to and take possession of it, either in person or by procurators, in the same manner and in the same legal forms as natives of the country.

In none of these respects shall they pay upon the value of such property any other or higher impost, duty, or charge than is payable by natives of the country. In every case the subjects or citizens of the Contracting Parties shall be permitted to export their property, or the proceeds thereof, if sold, freely and without being subjected on such exportation to pay any duty different from that to which natives of the country are liable under similar circumstances.

Article VII.

The dwellings, manufactories, warehouses, and shops of subjects or citizens of each of the Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises or to examine or inspect books, papers, or accounts except under the conditions and with forms prescribed by the laws for natives of the country.

The subjects or citizens of each of the two Contracting Parties in the dominions and possessions of the other shall have free access to the Courts of Justice for the prosecution and defence of their rights, without other conditions, restrictions, or taxes beyond those imposed on native subjects or citizens, and shall, like them, be at liberty to employ in all causes their advocates, attorneys, or agents from among the persons admitted to the exercise of those professions according to the laws of the country.

Article VIII.

The subjects of each of the Contracting Parties in the dominions and possessions of the other shall be exempted from billeting and from all compulsory military service whatever, whether in the army, navy, national guard, or militia. They shall likewise be exempted from all contributions, whether pecuniary or in kind, imposed as a compensation for billeting and for personal service, and finally from forced loans and military exactions or requisitions of any kind.

Article IX.

The subjects or citizens of either of the two Contracting Parties residing in the dominions and possessions of the other shall enjoy, in regard to their houses, persons, and properties the protection of the Government in as full and ample a manner as native subjects or citizens.

In like manner the subjects or citizens of each Contracting Party shall enjoy, in the dominions and possessions of the other full liberty of conscience, and shall not be molested on account of their religious belief; and such of those subjects or citizens as may die in the territories of the other party shall be buried in the public cemeteries, or in places appointed for the purpose, with suitable decorum and respect.

The subjects of Her Britannic Majesty residing within the territories of the Republic of the United States of Venezuela shall be at liberty to exercise in private and in their own dwellings, or within the dwellings or offices of Her Britannic Majesty's Consuls or Vice-Consuls, or in any public edifice set apart for the purpose, their religious rites, services, and worship, and assemble therein for that purpose without hindrance or molestation.

Article X.

Each of the Contracting Parties may appoint Consuls-General, Vice-Consuls, Pro-Consuls, and Consular Agents to reside respectively in towns or ports in the dominions and possessions of the other Power. Such Consular officers, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the Government to which they are sent. They shall exercise whatever functions, and enjoy whatever privileges, exemptions, and immunities are, or may hereafter be, granted there to Consular officers of the most favoured nation.

Article XI.

In the event of any subject or citizen of either of the two Contracting Parties dying without will or testament in the dominions and possessions of the other Contracting Party, the Consul-General, Consul, or Vice-Consul of the nation to which the deceased may belong, or in his absence the Representative of such Consular officer, shall, so far as the laws of each country will permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator be named, by the said Consul-General, Consul, or Vice-Consul, or his Representative.

Article XII.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties, residing in the dominions and possessions of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countaries.

Article XIII

Any ship of war or merchant-vessel of either of the Contracting Parties which may be compelled, by stress of weather or by accident, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to continue their voyage without

paying any dues other than such as would be payable in a similar case by a national vessel.

In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandize in order to defray his expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the Contracting Parties should run aground or be wrecked within the territory of the other, such ship or vessel, and all parts thereof, and all furniture and appertenances belonging thereunto, and all goods and merchandize saved therefrom, including any which may have been cast out of the ship, or the proceeds thereof if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents when claimed by them. If there are no such owners or agents on the spot, then the same shall be delivered to the British or Venezuelan Consul-General, Consul, Vice-Consul, or Consular Agent in whose district the wreck or stranding may have taken place upon their being claimed by him within the period fixed by the laws of the country; and such Consuls, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all duties of customs unless cleared for consumption, in which case they shall pay the same rate of duty as if they had been imported in a national vessel.

In the case either of a vessel being driven in by stress of weather, run aground, or wrecked, the respective Consuls-General, Vice-Consuls, and Consular Agents shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorized to interpose in order to afford the necessary assistance to their fellow-countrymen.

Article XIV.

For the better security of commerce between the subjects of Her Britannic Majesty and the citizens of the Republic of the United States of Venezuela, it is agreed that if at any time any interruption of friendly intercourse or any rupture should unfortunately take place between the two Contracting Parties, the subjects or citizens of either of the other said Contracting Parties who may be established in the dominions or territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining and continuing such trade or employment therein without any manner of interruption, in full enjoyment of their liberty and property, so long as they behave peaceably and commit no offence against the laws; and their goods, property, and effects, of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands, than those which may be made upon the like goods, property, and effects belonging to native subjects or citizens. Should they, however,

prefer to leave the country, they shall be allowed to make arrangements for the safe keeping of their goods, property, and effects, or to dispose of them, and to liquidate their accounts; and a safe conduct shall be given them to embark at the port which they shall themselves select.

Article XV.

If, as it is to be deprecated, there shall arise between the United States of Venezuela and the United Kingdom of Great Britain and Ireland any differences which cannot be adjusted by the usual means of friendly negotiation, the two Contracting Parties agree to submit the decision of all such differences to the arbitration of a third Power, or of several Powers in amity with both, without resorting to war, and that the result of such arbitration shall be binding upon both Governments.

The arbitrating Power or Powers shall be selected by the two Governments by common consent, failing which each of the Parties shall nominate an arbitrating Power, and the Arbitrators thus appointed shall be requested to select another Power to act as umpire.

The procedure of the arbitration shall in each case be determined by the Contracting Parties, failing which the arbitrating Power or Powers shall be themselves (entitled to) determine it beforehand.

The award of the Arbitrators shall be carried out as speedily as possible in cases where such award does not specifically lay down a date.

Article XVI.

The stipulations of the present Treaty shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty, so far as the laws permit, excepting to those hereinafter named, that is to say, except to:

The Dominion of Canada.

Newfoundland.

New South Wales.

Victoria.

South Australia.

Western Australia.

Tasmania.

Queensland.

New Zealand.

The Cape.

Natal.

India.

Provided always, that the stipulations of the present Treaty shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative in the United States of Venezuela to the Venezuelan Minister for Foreign Affairs within two years from the date of the present Treaty,

Article XVII

The present Treaty shall continue in force during ten years, counted from the day of the exchange of the ratifications; and in case neither of the two Contracting Parties shall have given notice twelve months before the expiration of the said period of ten years of their intention of terminating the present Treaty, shall remain in force until the expiration of one year from the day on which either of the Contracting Parties shall have given such notice.

Article XVIII.

The present Treaty shall be ratified by His Excellency the President of the Republic of the *United States* of Venezuela, and by Her Majesty the Queen of Great Britain and Ireland, and the ratifications shall be exchanged in London as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done in London on the day of , in the year of our Lord

N^o 80.

General Guzman Blanco to Earl Granville.—(Received June 25).
(Translation.)

194, *Queen's Gate, London, June 22, 1885.*

My Lord,

I have had the honour of receiving Your Excellency's despatch of the 18th, accompanying a copy in print of a draft Treaty of Friendship, Commerce, and Navigation between the United States of Venezuela and Great Britain, with certain corrections to which Your Excellency asks me to express my consent, in order to avoid any misapprehension.

I proceed accordingly to reply that I see no objection to adding to Article VI "every description of;" to Article XV "the award of the Arbitrators shall be carried out as speedily as possible in cases where such award does not specifically lay down a date; and to Article XVI "India;" and to Article XVIII "of the United States of."

But I am not allowed to retain in Article II the words "and unconditionally," which I omitted on purpose for reasons explained in the correspondence.

On the contrary, I must ask for the reinsertion of the following words of my Article XVII—"which, from the date of the exchange of its ratifications, shall be substituted for the one concluded between Colombia and Great Britain on the 18th April, 1825, and renewed with Venezuela on the 29th October, 1834." I consider the re-establishment of that incident clause to be essential, for, if left out, a doubt at least would remain as to the repeal of the old Treaty, notwithstanding the differences between the same and the draft referred to.

The two preceding suggestions being admitted, the conclusion of the Treaty may be proceeded with.

I remain, &c.

(Signed).—GUZMAN BLANCO.

N^o. 81

General Guzman Blanco to Sir J. Pauncefoot. — (Received July 23)

The Venezuelan Minister presents his compliments to Sir Julian Pauncefoot, and, with reference to the remarks made yesterday by the latter as to the draft Treaty between the two countries, has the honour to reply that Lord Granville, the Secretary of State for Foreign Affairs, in a note of the 15th May, 1885, wrote to this Legation as follows:—

“In reply, I have the honour to inform you that Her Majesty’s Government agree to the substitution of the phrase “Power” to be chosen by the High Contracting Parties instead of “Arbitrators” in the Article respecting “arbitration;” and that they further agree that the undertaking to refer differences to arbitration shall include all differences which may arise between the High Contracting Parties, and not those only which arise on the of the interpretation of the Treaty.”

Let it be permitted to remember the words of Lord Salisbury, the present Prime Minister, and Her British Majesty’s Principal Secretary of State for Foreign Affairs, in stating before the House of Lords on the 6th instant the policy of his Government:—

“It is not our business now to enter on controversial questions which may formerly have been raised. And still more, your Lordships will observe the very material restriction on our action and on our statements which arises from the fact, that we have come into these matters right in the middle of them, and we are finishing or furnishing the end of that which others have begun. The consequence of that is, that many pledges have been given, and the first duty of any Government, whether it is fresh or has lasted for a considerable time, or from whatever side of the House or party it is drawn, is to see that the pledges which the English Government have given, shall be observed.”

Her Majesty’s Government have adopted on several occasions, for questions about territory, as the happiest solution of them, arbitration with the United States in 1827 and 1871, by Treaties in which two territorial disputes were referred respectively to the King of the Netherlands and to the Emperor of Germany. The judgment of the former produced no effect, the Arbitrator not having conformed to the terms of the compromise, and the parties settled afterwards the difficulty by friendly agreement. The award of the latter was pronounced on the 21st April, 1872, and accepted and acted upon by the two nations concerned. In the second case, the Memorial presented by the American Plenipotentiary, George Bancroft, says:—

"Six times the United States had received the offer of arbitration on their northwestern boundary, and six times had refused to refer a point where the importance was so great and the right so clear."

In regard to the other point mentioned by Sir Julian, General Guzmán Blanco repeats that he has proposed, as to the most-favoured-nation clause, to suppress the word "unconditionally" only, for a new country like Venezuela needs to remain able to make particular concessions in exchange for those from other Powers, as a means of obtaining the advantages required by her natural aspirations for progress, and which she could not acquire unless by paying equivalents

194, *Queen's Gate, London, July 22, 1885.*

No. 82

The Marquis of Salisbury to General Guzmán Blanco.

Foreign Office July 27, 1885.

M. le Ministre:

I have the honour to state that Her Majesty's Government have given their earnest consideration to the draft Treaty of Friendship, Commerce, and Navigation, the terms of which were in process of negotiation at the time of their accession to office: they have also had under their consideration the note which you were so good as to address to Earl Granville on the 22nd ultimo.

I regret to have to inform you that Her Majesty's Government cannot meet your wishes with regard to the omission of the word "unconditionally" in the most-favoured-nation clauses. They hold that those clauses have the same meaning, whether that word be inserted or not; but the present correspondence shows that the Venezuelan Government think otherwise and are of opinion that without it it would be competent for Venezuela to withhold from Great Britain any concession granted by the Republic to any third Power in consideration of some favour or concession received from it, unless Great Britain were to grant the like favour or concession to Venezuela. In his note of the 15th April, Earl Granville explained that it might not be in the power of Her Majesty's Government to grant the favour or concession granted by the third Power, and considering the freedom of trade, and the total absence of differential duties in this country, Her Majesty's Government consider that they are entitled to claim most-favoured-nation treatment from Venezuela. They are prepared, however, to consider whether it would be possible to consent to the exclusion from the most-favoured-nation Articles of any particular favour which the Venezuelan Government might propose to except, as it may be found that they consist of local privileges of importance only to the States contiguous to Venezuela. Such exceptions would not materially interfere with the general principle of most-

favoured-nation treatment from which Her Majesty's Government are unwilling to derogate.

Her Majesty's Government are unable to concur in the assent given by their predecessors in office to the General Arbitration Article proposed by Venezuela, and they are unable to agree to the inclusion in it of matter other than those arising out of the interpretation or alleged violation of this particular Treaty. To engage to refer to arbitration all disputes and controversies whatsoever would be without precedent in the Treaties made by Great Britain. Questions might arise, such as those involving the title of the British Crown to territory or other sovereign rights which Her Majesty's Government could not pledge themselves beforehand to refer to arbitration.

I have the honour to inclose a printed copy of the Treaty with the amendments considered to be essential by Her Majesty's Government.

You will observe that some other but minor alterations have been made, but these are mostly matters of form, and call for no particular remark.

I have, &c.

(Signed)—SALISBURY.

Inclosure in No. 82.

Draft Treaty between Great Britain and Venezuela.

The President of the United States of Venezuela and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, being desirous of concluding a Treaty of Friendship, Commerce, and Navigation, to be substituted for the Treaty between the Republic of Colombia and Great Britain of the 18th April, 1825, which Treaty was adopted and confirmed by the Treaty between Venezuela and Great Britain signed on the 29th October, 1834, have appointed as their respective Plenipotentiaries for that purpose, namely:

The President of the United States of Venezuela.

And Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India.

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon the following Articles:—

Article I.

There shall be perfect peace and sincere friendship between the United States of Venezuela and the United Kingdom of Great Britain and Ireland, and between the subjects and citizens of both States, without exception of persons or of places. The High

Contracting Parties shall use their best endeavours that this friendship and good understanding may be constantly and perpetually maintained.

Article II.

The Contracting Parties agree that, in all matters relating to commerce and navigation any privilege, favour, or immunity whatever, which either Contracting Party has actually granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended immediately and unconditionally to the subjects or citizens of the other Contracting Party; it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other on the footing of the most favoured nation.

Article III.

The produce and manufactures of, as well as all goods coming from, the dominions and possessions of Her Britannic Majesty, which are imported from whatsoever place into Venezuela, and manufactures as well as goods coming from Venezuela, which are imported from whatsoever place into the dominions and possessions of Her Britannic Majesty, whether intended for consumption, warehousing, re-exportation, or transit, shall be treated in the same manner as, and in particular shall be subjected to no higher or other duties, whether general, Municipal, or local, than the produce, manufactures, and goods whencesoever arriving, of any third country the most favoured in this respect. No other or higher duties shall be levied in Venezuela on the exportation of any goods to the dominions and possessions of Her Britannic Majesty, or in the dominions and possessions of Her Britannic Majesty, on the exportation of any goods to Venezuela than may be levied on the exportation of the like goods to any third country the most favoured in this respect.

Neither of the Contracting Parties shall establish a prohibition of importation, exportation, or transit against the other which shall not under like circumstances, be applicable to any third country the most favoured in this respect.

In like manner, in all that relates to local dues, customs, formalities, brokerage, patterns or samples introduced by commercial travellers, and all other matters connected with trade, British subjects in Venezuela, and Venezuelan citizens in the dominions and possessions of Her Britannic Majesty, shall enjoy most-favoured-nation treatment.

Article IV.

British ships and their cargoes shall, in the United States of Venezuela, and Venezuelan vessels and their cargoes shall in the dominions and possessions of Her Britannic Majesty, from whatever place arriving, and whatever may be the place of origin or destination of their cargoes, be treated in every respect as national ships and their cargoes,

The preceding stipulation applies to local treament, dues and charges in the ports, basins, docks, roadsteads, harbours, and rivers of the two countries, pilotage, and generally to all matters connected with navigation,

Every favour or exemption in these respects, or any other privilege in matters of navigation, which either of the Contracting Parties shall grant to a third Power, shall be extended immediately to the other Party; but it includes neither the internal navigation of rivers nor the coasting trade, nor special arrangements with regard to local trade entered into by Venezuela with neighbouring countries with respect to traffic across the land frontier.

The vessels of the two Contracting Parties shall be at liberty to touch consecutively at two or more ports of the other, open to foreign commerce, for such purposes and under such requirements as have been specified and established by the respective laws.

All vessels which, according to British law, are to be deemed British vessels, and all vessels which, according to the law of the United States of Venezuela, are to be deemed Venezuelan vessels, shall, for the purposes of this Treaty, be respectively deemed British or Venezuelan vessels.

Article V.

The subjects or citizens of each of the Contracting Parties shall have, in the dominions and possessions of the other, the same rights as natives, or as subjects or citizens of the most favoured nation, in regard to patents for inventions, trade marks, and designs, upon fulfilment of the formalities prescribed by law.

Article VI.

The subjects or citizens of each of the Contracting Parties who reside permanently or temporarily in the dominions and possessions of the other shall be at full liberty to exercise civil rights, and therefore to acquire, possess, and dispose of every description of property, movable and immovable. They may acquire and transmit the same to others, whether by purchase, sale, donation, exchange, marriage, testament, succession *ab intestato*, and in any other manner, under the same conditions as natives of the country. Their heirs may succeed to and take possession of it, either in person or by procurators, in the same manner and in the same forms as natives of the country.

In none of these respects shall they pay upon the value of such property any other or higher impost, duty, or charge than is payable by natives of the country. In every case the subjects or citizens of the Contracting Parties shall be permitted to export their property, or the proceeds thereof, if sold, freely, and without being subjected on such exportation to pay any duty different from that to which natives of the country are liable under similar circumstances.

Article VII.

The dwellings, manufactories, warehouses, and shops of subjects or citizens of each of the Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the laws for natives of the country.

The subjects or citizens of each of the two Contracting Parties in the dominions and possessions of the other shall have free access to the Courts of Justice for the prosecution and defence of their rights, without other conditions, restrictions, or taxes beyond those imposed on native subjects or citizens, and shall, like them, be at liberty to employ in all causes their advocates, attorneys, or agents from among the persons admitted to the exercise of those professions according to the laws of the country.

Article VIII.

The subjects of the Contracting Parties in the dominions and possessions of the other shall be exempted from billeting and from all compulsory military service whatever, whether in the army, navy, or national guard or militia. They shall likewise be exempted from all contributions, whether pecuniary or in kind, imposed as a compensation for billeting and for personal service, and finally from forced loans and military exactions or requisitions of any kind.

Article IX.

The subjects or citizens of either of the two Contracting Parties residing in the dominions and possessions of the other shall enjoy, in regard to their houses, persons, and properties, the protection of the in Government as full and ample a manner as native subjects or citizens.

In like manner the subjects or citizens of each Contracting Party shall enjoy in the dominions and possessions of the other full liberty of conscience, and shall not be molested on account of their religious belief; and such of those subjects or citizens as may die in the territories of the other party shall be buried in the public cemeteries, or in places appointed for the purpose, with suitable decorum and respect.

The subjects of Her Britannic Majesty residing within the territories of the Republic of the United States of Venezuela shall be at liberty to exercise in private and in their own dwellings, or within the dwellings or offices of Her Britannic Majesty's Consuls or Vice-Consuls, or on any public edifice set apart for the purpose their religious rites, services, and worship, and to assemble therein for that purpose without hindrance or molestation.

Article X.

Each of the Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents to reside respectively in towns or ports in the dominions and possessions of the other Power. Such Consular officers, however, shall not enter^f upon their functions until after they shall have been approved and admitted in the usual form by the Government to which they are sent. They shall exercise whatever functions, and enjoy whatever privileges, exemptions, and immunities as are, or may hereafter be, granted there to Consular officers of the most favoured nation.

Article XI.

In the event of any subject or citizen of either of the two Contracting Parties dying without will or testament in the dominions and possessions of the other Contracting Party, the Consul-General, Consul, or Vice-Consul of the nation to which the deceased may belong, or in his absence the Representative of such Consular officer, shall, so far as the laws of each country will permit, take charge of the property which the deceased may have left, for the benefit of his lawful heirs and creditors, until an executor or administrator be named, by the said Consul-General, Consul, or Vice-Consul, or his Representative.

Article XII.

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties, residing in the dominions and possessions of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

Article XIII.

Any ship of war or merchant-vessel of either of the Contracting Parties which may be compelled, by stress of weather or by accident to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary stores, and to continue their voyage without paying any dues, other than such as would be payable in a similar case by a national vessel.

In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his merchandize in order to defray his expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the Contracting Parties should run aground or be wrecked within the territory of the other such ship or vessel, and all parts thereof, and all furniture and appertenances belonging thereunto, and all goods and merchandize saved therefrom, including any which may have been cast out of the ship, or the proceeds thereof if sold, as well as all papers found on board

such stranded or wrecked ship or vessel, shall be given up to the owners or their agents when claimed by them. If there are no such owners or agents on the spot, then the same shall be delivered to the British or Venezuelan Consul-General, Consul, Vice-Consul, or Consular Agent in whose district the wreck or stranding may have taken place, upon their being claimed by him within the period fixed by the laws of the country; and such Consuls, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all duties of customs unless cleared for consumption, in which case they shall pay the same rate of duty as if they had been imported in a national vessel.

In the case either, of a vessel being driven in by stress of weather, run aground, or wrecked, the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall, if the owner or master or other agent of the owner is not present, or is present and requires it, be authorized to interpose in order to afford the necessary assistance to their fellow-countrymen.

Article XIV.

For the better security of commerce between the subjects of Her Britannic Majesty and the citizens of the Republic of the United States of Venezuela, it is agreed that if at any time any interruption of friendly intercourse or any rupture should unfortunately take place between the two Contracting Parties, the subjects or citizens of either of the said Contracting Parties who may be established in the dominions or territories of the other, in the exercise of any trade or special employment, shall have the privilege of remaining and continuing such trade or employment therein, without any manner of interruption, in full enjoyment of their liberty and property, so long as they behave peacefully and commit no offence against the laws; and their goods, property, and effects, of whatever description they may be, whether in their own custody or intrusted to individuals or to the State, shall not be liable to seizure or sequestration, or to any other charges or demands, than those which may be made upon the like goods, property, and effects belonging to native subjects or citizens. Should they, however, prefer to leave the country, they shall be allowed to make arrangements for the safe-keeping of their goods property, and effects, or to dispose of them, and to liquidate their accounts; and a safe conduct shall be given them to embark at the port which they shall themselves select.

Article XV.

If, as it is to be deprecated, there shall arise between the United States of Venezuela and Great Britain any controversies respecting the interpretation or the execution of the present Treaty, or the consequence of any violation thereof, the two Contracting Parties agree to submit the decision of all such differences to the arbitration of a third Power, or of several Powers in amity with both, and that the result of such arbitration shall be binding upon both Governments.

The arbitrating Power or Powers shall be selected by the two Governments by common consent, failing which, each of the Parties shall nominate an arbitrating Power, and the Arbitrators thus appointed shall be requested to select another Power to act as Umpire.

The procedure of the arbitration shall in each case be determined by the Contracting Parties, failing which the arbitrating Power or Powers shall be themselves entitled to determine it beforehand.

The award of the Arbitrators shall be carried out as speedily as possible in cases where such award does not specifically lay down a date.

Article XVI.

The stipulations of the present Treaty shall be applicable to all the Colonies and foreign possessions of Her Britannic Majesty, so far as the laws permit, excepting to those hereinafter named, that is to say, except to—

- India.
- The Dominion of Canada.
- Newfoundland.
- New South Wales.
- Victoria.
- South Australia.
- Western Australia.
- Tasmania.
- Queensland.
- New Zealand.
- The Cape.
- Natal.

Provided always, that the stipulations of the present Treaty shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative in the United States of Venezuela to the Venezuelan Minister for Foreign Affairs within two years from the date of the exchange of ratifications of the present Treaty.

Article XVII.

The present Treaty, which from the date of the exchange of its ratification shall be substituted for that concluded between Colombia and Great Britain on the 18th April, 1825, and adopted and confirmed with Venezuela on the 29th. October, 1834, shall continue in force during ten years, counted from the day of the exchange of the ratifications; and in case neither of the two Contracting Parties shall have given notice twelve months before the expiration of the said period of ten years of their intention of terminating the present Treaty, it shall remain in force until the expiration of one year from the day on which either of the Contracting Parties shall have given such notice.

Article XVIII.

The present Treaty shall be ratified by his Excellency the President of the United States of Venezuela, and by Her Britannic Majesty, and the ratifications shall be exchanged in London as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done in London on the day of , in the year of our Lord

Nº 83.

General Guzman Blanco to the Marquis of Salisbury—(Received August 13.)

(Translation)

Paris, August 5, 1885

My Lord,

I have had the honour to receive your Lordship's favour of the 27th July respecting the negotiation of a Treaty of Friendship between the two countries, with a modified draft.

In the first place, your Lordship informs me that the Government of Her Majesty cannot accede to my wish that the word "unconditionally" should be expunged from the most-favoured-nation clauses, since even though without it they would have the same sense as with it, it appears from the same correspondence that the Government of Venezuela considers that by omitting this expression it could refuse to Great Britain concessions which it might make to another Power in return for an equivalent which Great Britain should refuse.

In the second place, your Lordship withdraws the arbitration clause applicable to all disputes arising between the two parties which had been settled with the previous Administration, and restricts it to those originated by the Treaty alone, on the score of want of precedents, and the possibility that questions might be presented involving the title of the British Crown to territory and other sovereign rights, which the Government could not bind itself by anticipation to refer to arbitration.

With respect to the word "unconditionally," my instructions direct me not to admit it, on account of the impossibility in which it would place Venezuela, of granting particular advantages to other States in exchange for others which it should receive from them, whether they were neighbouring States or not.

With respect to arbitration, it appears to me that the new Cabinet could not by itself alone repeal the Article to which its predecessor had given formal assent, and thereby placed it beyond its competence, and still less so, after Your Lordship's declaration in the House of Lords, that the engagements of the previous Government would be respected. I should be pained to think that this declaration did not include Venezuela.

I think that boundary questions are of the number of those which it is most expedient to submit to the award of an impartial third party. As is shown in practice, other nations are also of this opinion; and that the same view is also shared by Great Britain, I think may be inferred from her action during 1829 and during 1872, in agreeing to submit two controversies respecting territory to the decision of the King of Holland and of the Emperor of Germany respectively. In the last case, it proposed the arbitration no less than six times to the United States, as they allege, and it was only the seventh time that they accepted this means of deciding whether or not the line should pass by the Haro Canal. It appears from the correspondence of the Venezuelan Plenipotentiary, señor Fortique, that the same proposal was made to him orally for the termination of the dispute respecting Guiana.

In fine, arbitration, in addition to having been employed on various occasions by Great Britain, has been so favourably entertained in her Parliament and by her statesmen, and in the public opinion of the United Kingdom, that its general adoption could not fail to merit applause. Moreover, I proceeded in this matter conformably with the Constitution of Venezuela, which requires the Executive to stipulate for arbitration in comprehensive terms, and without any restriction.

I renew, &c,

(Signed) GUZMÁN BLANCO.

Nº 84.

The Marquis of Salisbury to General Guzmán Blanco

Foreign Office, October 3, 1885.

M. le Ministre.

Her Majesty's Government have had under their consideration the observations which you did me the honour to make to me in your note of the 5th August respecting the proposed Treaty between Venezuela and Great Britain. They regret that your instructions do not permit you to agree to the article granting to this country most-favoured-nation treatment in Venezuela in exchange for the same treatment already conceded to the latter by Her Majesty's Government, or to the limited form of Arbitration Article. Under These circumstances, I would ask you, M. le Ministre, to be so good as to refer the points on which differences have arisen to the Government of the Republic, as Her Majesty's Government cannot but hope that a perusal of the correspondence which I have had the honour to exchange with you on this subject will convince them of the justice and reasonableness of the opinions held by Her Majesty's Government, and thus lead to a modification of your instructions in a sense that will permit of the conclusion of a Treaty containing the stipulations which Her Majesty's Government, desire, and which are those now usually adopted.

I have, &c.

(Signed) SALISBURY.

General Guzmán Blanco to the Marquis of Salisbury. — (Received October 20.)

(Translation.)

Zurich, October 12, 1885.

My Lord,

I Have had the honour to receive Your Excellency's note of the 3rd instant, asking me to submit to my Government the points of disagreement in the negotiations for a Treaty, in the hope that that Government might modify my instructions in such a sense as would permit me to agree to the most-favoured-nation Article and to the limited Arbitration Article. as desired by the Government of Her Britannic Majesty.

As it is now more than a month since I submitted to the decision of my Government all that your Excellency says in regard to the Treaty we are discussing, I expect every moment a clear and decisive answer, which will be my definitive instructions.

As soon as I receive these instructions I shall write a note to your Excellency in the sense they indicate.

I have, &c.

(Signed)

GUZMÁN BLANCO

Venezuelan Legation in London.

Nº 199.

London: June 8, 1885.

194 Queen's Gate.

My Lord:

I have with much satisfaction received Your Excellency's dispatch of the 15th ultimo, by which Your Excellency is pleased to inform me that Her Majesty's Government agree to the substitution of the phrase "Power" to be chosen by the High Contracting Parties, instead of "Arbitrators" in the article respecting Arbitration, and that they further agree that the undertaking to refer differences to arbitration shall include all differences which may arise between the High Contracting Parties, and not those only which arise on the interpretation of the Treaty.

Your Excellency adds that Her Majesty's Government are also prepared to meet generally the wishes of the Venezuelan Government as to "river navigation" and coasting trade as connected with it; but on the understanding that this exception to most favoured nation or national treatment should not interfere with ocean-going steamers touching consecutively at two or more parts of the Republic.

Your Excellency states at last that Her Majesty's Government will agree that the provisions of the most favoured nation article proposed

by them shall not include special arrangements entered into by Venezuela with neighbouring countries in respect to traffic across the land frontier.

These premises being set down, and taking into account, with reference to river navigation coasting trade, that the fiscal laws of the Republic permit foreign vessels to take cargoes or passengers to two or more authorized (*habilitados*) ports, or to receive them there; I see that the negotiation is about to terminate satisfactorily.

In the understanding, therefore, that we agree as to the points expressed and those which have not been made the subject of any particular remark, I hope that Your Excellency, according to the closing part of your note, will deign to have prepared and sent me for examination a formal Draft Treaty framed on that concluded between Great Britain and Paraguay on the 18th of October 1884, and on the results of the negotiation we have pursued.

In order to facilitate the accomplishment of such a task, I beg leave to inclose a Draft Treaty elaborated upon the aforesaid bases.

I renew to Your Excellency the assurances of my highest consideration,

(Signed).—GUZMAN BLANCO.

To His Excellency Lord Granville, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs. &c. &c. &c.

TRANSLATION.

Legation of Venezuela in London

No. 407.

Paris December 17th 1885.

My Lord.

As I had the honor of making known to Your Excellency, I submitted to the Government of the Republic a copy of the correspondence I have carried on with Your Department in respect to the negotiation of the Treaty of friendship commerce and navigation between the two countries as the fittest means of solving the pending difficulties.

I have just received the answer of the Minister for Foreign Affairs. By it the President of the Republic has been pleased to confirm the original instructions acted upon by me and has moreover fully approved the communications I have addressed to Your Excellency.

Under these circumstances, I cannot but insist upon the most favored nation clause, with the condition that, in order to enjoy the privileges granted to a third Power, the same compensation in exchange for which they were given is to be made.

In regard to the arbitration clause as applicable to every differen-

ce, I once more invoke the arguments before alleged and which enforce the conviction that it is a right acquired by Venezuela, since it having been preferred on her part and agreed upon on the part of Her Britannic Majesty, their mutual consent has originated an obligation, from which it is not lawful for any of the contracting parties to withdraw by her single will. I beg to make use of your own words in a speech delivered at Brighton on the 15th of October before a numerous audience, that is, before the tribunal of public opinion.

"After the fashion of some preachers, as his charges are somewhat numerous, I will venture to divide them into two heads—and the first head is, those that are not true. The second head of those charges is, those that are founded on the *monstruous assumption* that it is our duty to break the promises of our predecessor, as soon as we *get into office* * * * * *

Now he (Mr Chamberlain) has other charges. He says the financial agreement with Egypt, which we condemned as muddled and inadequate has been carried out. Well, it was muddled and inadequate (*cheers*). I expressed that opinion in opposition, and all that I have learnt in office has only confirmed me in that view (*cheers*). But, unfortunately, it was an agreement to which England has set her hand, and Mr. Chamberlain's intention, as I understand it, is that we ought to have torn up the agreement to which England has set her hand because our adversaries were in office at the time. I do not like to say what name would be applied to such a proceeding in private life. What would you think of a man who, through his agent, had come to a certain agreement, and, when the agent went away and another agent came, said: "I have changed my agent, and therefore, I shall treat the agreement as having never taken place" (*cheers*). There is no term of contempt and opprobrium which you would think too strong for such a man (*hear, hear*). Yet, that is the standard of morality according to which Mr. Chamberlain desires that the affairs of England should be conducted (*hear, hear*). We do not approve of the principles of the Egyptian loan, but we approve still less of any action that is false to the pledged faith of England and if Mr Chamberlain says that at any time in our career in Opposition we have maintained the doctrine that you may disregard the pledged faith of England, because pledged by your opponents, I must again repeat the word, that is not true (*hear, hear*). And so in regard to their Afghan boundary. Mr Chamberlain says that we did not approve of the Afghan boundary when in Opposition. No, we did not approve of it then, and were we tied by no engagements we should not approve of it now. But we found certain engagements in existence, and these we loyally carried out."

* * * * *

"Then I see that both Mr. Chamberlain and Sir Charles Dilke talk of Zanzibar. I am tempted to believe that Lord Granville never informed them of what was going on in the Foreign Office (*laughter*), because the same state of the case exists absolutely there. While the late Government were in office the Emperor of Germany announced

to them that he had taken certain territories in Africa under his protection. Lord Granville not only expressed no objection, but said that he was perfectly willing to welcome the German efforts of colonization and he proposed that a joint commission should be appointed to determine what were the true limits of the Sultanate of Zanzibar. That is precisely what we have carried out, and we have done nothing else. We have carried out the agreement which Lord Granville made during his time. The German Government informed him that a certain protest had been made by the Sultan of Zanzibar, and it would insist on its being withdrawn. That announcement was received with no objection by Lord Granville, and accordingly, the German Government has insisted on that protest being withdrawn; but we have in adherence to the principle that the pledges of one Government must be completely and loyally carried out by its successors, simply carried out that to which our predecessors pledged the country: and we have done absolutely nothing else."

This Legation then, asks respectfully only the application to Venezuela of those principles maintained by Your Excellency with so much dignity and nobleness.

I renew to Your Excellency the assurances of my most distinguished consideration.

(Signed) - GUZMAN BLANCO.

To His Excellency the Marquis of Salisbury, H. B. M. Principal Secretary for Foreign Affairs.

Draft of Agreement.

Article I.

The Government of Venezuela engages at once to proceed to the liquidation of the following claims of British subjects :—

1st. Those claims which have been reorganized by an exchange of notes between the Ministry of Foreign Affairs of Venezuela and Her Britannic Majesty's Legation at Caracas on the 15th October 1885; and

2nd. Those claims which were decided upon by the Mixed Commission established under the Convention of the 21st September, 1868, between Great Britain and Venezuela.

The validity of these two classes of claims was admitted by Decrees of the Venezuelan Legislature dated the 14th June, 1873, and the 23rd May, 1876.

This stipulation, however, is without prejudice to any other claims which British subjects may have against the Venezuelan Government, but which have not been investigated, and the validity of which is not to be considered to be admitted or denied by the conclusion of the present Agreement.

Article II.

The balance of the claims specified in paragraphs 1 and 2 of the preceding Article which yet remains unpaid, with simple interest at 3 per cent, calculated to the 30th June, 1885, has been ascertained to amount to 544,398 dol. 94 c., the dollar being calculated at 3s. 3d. English money.

Article III.

The Government of Venezuela engages immediately to issue bonds to bearer to the amount specified in the preceding Article.

The said bonds shall bear interest at the rate of 3 per cent. per annum from the 1st July, 1885, and each bond shall have twenty coupons attached thereto.

Each coupon shall represent six months' interest, and the first coupon shall be payable on the 1st January, 1886.

In the event of the coupons of any bond being exhausted, additional coupons shall be issued by and at the cost of the Government of Venezuela to the then holder of the bond.

The said bonds shall before (a date to be fixed) be delivered to the British Legation at Caracas in order that they may be handed over to the claimants.

Article IV.

It is agreed that for the payment of the interest on the said bonds, and for the formation of a sinking fund as provided in Article V, there shall be assigned such a portion of the proceeds of the 13 per cent. of the 40 unities of the Customs revenue of Venezuela, according to the Law of the 30th November 1872, as shall belong proportionally to the British claims specified in Articles I and II of the present Agreement.

This proportional sum shall be paid in cash half-yearly to Her Britannic Majesty's Legation at Caracas; and the amount of such half-yearly payments shall on no account be reduced until all the claims are satisfied.

Article V.

The surplus of the amount so paid to Her Britannic Majesty's Legation which shall remain after the payment of the interest due upon the bonds shall be applied to the redemption of the bonds by means of half-yearly drawings at par.

The drawings shall be conducted in the presence of Her Britannic Majesty's Representative at Caracas, by a notary public to be selected by the said Representative of Her Britannic Majesty.

The cost of advertising the numbers of the drawn bonds and the fees of the said notary public shall be paid out of the sinking fund.

Article VI.

It is agreed that in the event of failure in the execution of the payments, as stipulated in the present Agreement, Her Britannic Majesty's Government may immediately revert to the arrangements in regard to the liquidation of the said British claims, which were in force before the signature of the present Agreement, that is to say, that the said claims shall be paid in cash out of the 13 per cent referred to in Article IV of the present Agreement *pro rata* by monthly instalments until they are entirely liquidated.

• DRAFT OF AGREEMENT

About the British Claims sent to Sir Julian Pauncefote on the 7th July, 1885.

Article I.

(The same of the English draft minus the last paragraph).

Article II.

The Government of Venezuela engages immediately to issue bonds to bearer to the amount ascertained to be due as the result of the liquidation agreed upon in article 1st

The said bonds shall bear interest at the rate of 3 per cent per annum, from the 1st January 1885, and each bond shall have twenty coupons attached thereto.

Each coupon shall represent six months interest and the first coupon shall be payable on the 1st July 1886.

In the event of the coupons of any bond being exhausted, additional coupons shall be issued by and at the cost of the Government of Venezuela to the then holder of the bond.

The said bonds shall be issued before December next when they may be handed over to the claimants.

Article III.

The interest on the bonds shall be paid to the Holders thereof by the British Legation at Caracas, which is to send to the Venezuelan Minister of Public Credit the paid detached coupons.

Article IV.

(The same of the English text.)

Article V.

The surplus of the amount so paid to Her Britannic Majesty's Legation which shall remain after the payment of the interest due upon the bonds shall be applied to the redemption of the bonds by means of half-yearly repurchases according to the Venezuelan law, and

to the form of bond herein inserted. The Board of Public Credit shall transmit a copy of the record of its proceeding to the said Legation, in order that the latter may pay out of the money in its possession the tenders accepted, and return to said Board the bonds redeemed.

Article VI.

(The same of the English text.)

General Guzmán Blanco presents his compliments to Sir Julian Pauncefote, and referring to their interview on Saturday last, has the honor to accompany a Draft settlement of the British Claims upon Venezuela, in substitution for the one formulated by Lord Granville, and the difficulties of which this Legation stated in its note of June 15.

General Guzmán Blanco avails himself of this occasion to repeat that the Venezuelan Government has never agreed to pay any interest, on the ground that none was stipulated for on the recognition of the claims; that the Bonds shall certainly bear an interest from the date of their issue; the Bondholders will assign to them for their sale and at their will such a price as may suit them; and that if they do not wish to sell them, the surplus shall go on accumulating every six months until they grow sufficient to redeem the claims at par.

London, July 7th. 1885.

194, Queen's Gate.

After presenting his polite compliments to Sir Julian Pauncefote, General Guzmán Blanco has the honor of stating to him that he has read the copies of Doctor Viso's despatch to Mr. Bunch, of May 17th., 1880, and of two of its enclosures delivered to him yesterday.

It results therefrom that this Legation has so often affirmed, viz, that Venezuela has never agreed to pay any interest on the British claims and that Congress fixed a rate of 3 0/0, under the condition that the emission of the diplomatic bonds should be accepted.

The calculating of the interest from the 29th. of May, 1876, the date of the law granting it, from the emission of the bonds, was a concession initiated with the hope of securing the acceptance of the arrangement, which was not obtained. If this could be initiated at that time, such is not the case to-day for more than six years having since elapsed, the proceeds of the 13 0/0 would be insufficient to pay the interest and leave a residue for a sinking fund. In case of the proposal not being admitted now it would neither be possible in future to agree to pay that 3 0/0 interest from next January, but from the time when the new mode of payment was accepted.

London, July 22nd 1885.

194, Queen's Gate.

Inclosure 1 in No. 69.

Dr. Viso to Mr. Bunch.

(Translation,)

Foreign Office, Caracas, May 17th 1880.

M. le Ministre,

I have the honour to transmit to Your Excellency a copy of the "Resolution" which has just been issued by the Illustrious American President of the Republic, respecting the payment of the foregoing claims.

Your Excellency will observe that in it orders have been given for the rectification of the balances of the diplomatic credits with the concurrence of the creditor, as well as for the allowance in account current, of the 3 per cent. interest allotted by the law the 29th May 1876.

I also inclose the statement of the balance of the British claims made on the above basis up to the 30th April last.

In the account presented by Your Excellency the Republic is charged with interest at 6 per cent. On this point allow me to remark to Your Excellency that Venezuela has never agreed to pay such interest, and that the rest of 3 per cent, which Congress fixed spontaneously, is that allowed by the Civil Code, when no agreement to the contrary exists, in cases of delay.

So soon as the Government of Her Britannic Majesty shall accept payment in bonds those belonging to the British claims will be placed at your disposal; if it should not accept, its credit will be inscribed in a book destined for that purpose, and a certificate will be sent to the Legation of such entry,

In the first case the payment of interests and the gradual redemption of the capital will be made in conformity with Article 3 of the "Resolution." In the second case, and with the same view, the Legation will be credited with 4 per cent. on the sum agreed upon at the final balance.

Until these latter shall be finally struck the Government has ordered the distribution to the diplomatic credits of the proceeds of the 13 per cent, taking as a basis of such distribution the Table contained in Article 4 of the said Resolution. In consequence, the Treasury will hold at the order of the Legation from this month the quota assigned to it.

I renew, &c.

(Signed)

J. VISO.

Inclosure 2 in No. 69.

Resolution.

*Foreign Office, Direction of Foreign Public Law, Caracas,
May 17, 1880.*

(Translation.)

Resolved :

The period fixed by the Resolution of the 29th December, 1879, having passed without obtaining the acquiescence of all the creditor Government to the plan proposed of the issue in payment of the claims of bonds ("titulos") of international debt payable to bearer, and as it has become necessary to revise the balances of such credits, as is ordered in that Resolution, the Illustrious American, President of the Republic has ordered :

1. The balances above referred to shall be revised with the assistance of the respective creditors, the rate of 3 per cent. interest being allowed to them in account-current and in conformity with the law of the 29th May, 1876, up to the 30th April last.

2. In conformity with that law there shall be issued the bonds spoken of in its 4th Article which shall be delivered to the Legations for the use of their countrymen or to these latter should it be so agreed. The bonds will bear an interest of 3 per cent. per annum as is fixed by the 2nd Article of the Law in question, beginning from the 1st May of this. Any Legation who does not choose to receive the bonds will obtain a certificate of the amount of its credit in the book destined for that purpose. On this amount it will be credited monthly with the proper proportion of 4 per cent. per annum of which three will go to interest and one to the redemption of the capital.

3. The interests and the redemption fund will be paid monthly, in conformity with Articles 1 and 4 of the Decree of the 21st July, 1876, which provides for the due execution of the law above referred to. As regards those Legations which do not receive bonds, the Government of Venezuela will hold at their disposal the monthly proportion assigned to them with the 4 per cent per annum on that proportion which is above alluded to.

4. Until the final balances are struck, as provided for in the 1st Article, the distribution of the funds shall be made on the basis of the balances of the capital sums already recognized when the first distribution was made on the 28th July, 1873, and those which have been recognized at a later date, viz :

	Capitals.	Monthly quota.
	Bolivares.	Bolivares.
France.....	3.455.155,60	11.637,55
Great Britain.....	2.192,835,24	7.385,84*
North America.....	5.847.163,32	19.694,25
Denmark.....	161.241,16	543,09
Holland.....	4.190.906,56	14.115,70
Spain.....	7.704.457,64	25.949,94
Germany.....	200.000,00	673,63
	23.751.759,52	80.000,00

For the National Executive,
(Signed) J. VISO.

Inclosure 3 in No. 69.

British Claims.

(Translation.)

	Dol.	c.	Dol.	c.
1865, December 20. Capital recognized.....	247.935,60			
1869, November 5. Capital recognized.....	312.586,25		560.522,55	
To deduct—				
From August 9, 1869, to March 21, 1870.				
Payment made.....	12.313,74			
From August 1, 1873, to June 30, 1876.				
Payment made.....	20.880,00			
Thirty-five monthly payments at 2.755				
dollars	96.425,00		129.618,74	
				430.903,81
From June 30, 1876, to April 30, 1880,				
twenty-nine months at 2.755 dollars.....			79.895,00	
				351.008,81
Balance of capital.....				
Calculation of interest at 3 per cent. per an-				
num, from June 30, 1876, to April 30, 1880				
Interest on 430.903 dol. 81 c. in forty-six				
months.....	49.553,94			
Less interest on 79.895 dollars delivered in				
twenty-nine monthly payments.....	2.996,06		46.557,88	
Bolivares 1.590.266,76—Total capital and interest to				
April 30, 1880.....			397.556,69	
	(Signed)	J. VISO.		

September 3th 1885.

Monsieur le Ministre,

I have the honour to acknowledge the receipt of your communication of the 22^d of July last, in which you maintain the view that the Venezuelan Government has never assented to the payment of interest on the British Diplomatic claims.

I regret that Her Majesty's Government are unable to admit this conclusion. They have always claimed interest on the debts in question and as explained by Dr. Viso in his note to Mr. Bunch of May 17th 1880, the Congress of Venezuela fixed the rate of interest at three per cent, being that allowed by the civil code when no agreement to the contrary exists in cases of delay.

Accordingly the account presented by Dr. Viso to Mr. Bunch, and enclosed in his note, comprises interest at three per cent calculated up to the 30th April 1880. Dr Viso's note likewise encloses a copy of the Resolution of May 17th 1880, ordering the revision of the Balances and the issue of Bonds as provided by the Law of May 29, 1876.

Under that Resolution the British Claims were reduced to the amount assigned in the account rendered by Dr. Viso to Mr. Bunch the monthly payments being fixed at \$ 1867.20 instead of \$ 2755.

The Venezuelan Government does not of course claim to regulate its obligations towards Foreign Powers in respect of these diplomatic debts by "ex post facto" Municipal Legislation. Therefore Article 2 of the Resolution provided that any "Legation" which did not choose to receive the Bonds would obtain a certificate of the amount of its credit in the Book destined for that purpose. On this amount it would be credited monthly with the proper proportion of 4 per cent per annum, of which 3 would go to interest, and one to the redemption of capital.

Under these circumstances Her Majesty's Government assented to the reduction of the British Claims, but they never waived their claim to interest as provided by the Law of May 29, 1876.

Her Majesty's Government cannot proceed further with the present negotiations until they learn that the Venezuelan Government are prepared to accept the account as stated in Doctor Viso's Note to Mr. Bunch above referred to, and to carry it up to date, with interest at 3 per cent, deduction being made of the payments received by the Legation from April 30, 1880. Her Majesty's Government do not ask to be placed in a better position than any other of the Creditor Governments but they have a right to insist that they shall not be treated less well, and as the object of the Venezuelan Government appears to be a general settlement of all the Foreign Claims on the same footing subject to certain preferential payments to France based on alleged priority of right Her Majesty's Government fail to perceive why the negotiations should not proceed from this time in concert with all the creditor Governments.

I have the honour to be with the highest consideration, Monsieur le Ministre, Your most obedient, humble Servant,

(In the absence of Lord Salisbury.)

Philip W. Currie.

Legation of Venezuela in London

No. 337.

Aix-les-Bains September 12th 1885.

My Lord.

I have had the honor to receive Your Excellency's communication of the 3rd instant, referring to the settlement of the British pecuniary claims.

I am compelled to repeat what I have explained to Your Excellency, namely, that the Government of Venezuela has never agreed to pay interest for such claims.

In fact they were demanded by the Legation ; but each time that this took place, the Secretary of State for Foreign Affairs declared that it was impossible to increase the debt of the Republic with the charge of interests which have not been stipulated in any treaty. Therefore the Legation has had no right to include them in its accounts, either as six or as three per cent.

In 1876 Congress authorized the payment of 3 per cent as interest of the diplomatic debt in order to stimulate the acceptance of a system by which the capital is redeemed by periodical sales at public auction. To this effect bonds were to be issued. An alteration in the manner of payment was then proposed to Her Britannic Majesty's Government, viz, to compute interests from the date of the law ; and as it was not accepted, it lost its force, failing the supposition under which it was presented.

Bonds were not issued for any Legation which had claims, and the matter remained as it was and it has continued to do so.

The new distribution of the 13 p 8 which was made in 1880 in order that all claimants should have an equal share ; because those to whom less had been granted in the provisional distribution decreed on the 29th of July 1873, demanded this.

Venezuela has not the least intention to place British claimants in a position less favorable than that of other nationalities, and, if she refuses to grant them unstipulated interests, she acts precisely in a similar manner towards the rest ; therefore there is no reason for complaints on the part of Great Britain on account of a difference of conduct, which has not taken place, nor is there any attempt to do so.

As I have previously observed to that Department some of the nations which have claims have formally consented to accept payment in redeemable Diplomatic Debt Bonds with interest which will begin to be reckoned when the bonds are issued, and not before.

It will be easily understood by the British Government, why an equal negotiation has not been established with all nations which have claims, for some are in one case and some in another.

In regard to France, allow me to repeat that, the 800.000 Francs, which is a balance of the treaty of 1864 were formed with nearly the whole of the monthly quotas assigned to her in 1880, and which have not been paid since April 1881, and they have been and will be deposited until they are paid, without mentioning here anything about the priority of the convention of 1864 previous to others of like nature; of the utility of redeeming the mortgage established on the ordinary and extraordinary 10 per cent Revenue of the four principal Custom Houses, viz, those of La Guaira Puerto Cabello, Maracaibo and Ciudad Bolívar; nor of other points which this Legation has mentioned in Memoranda and official communications.

I renew to your Excellency the assurances of my highest consideration.

(Signed).

GUZMAN BLANCO.

To His Excellency the Marquis of Salisbury, H. B. M. Principal Secretary of State for Foreign Affairs

TRANSLATION.

Legation or Venezuela in London.

No. 386,

Paris December 17th 1885,

My Lord.

After having seen Your Excellency's note of the 9th of October, allow me to state that in mine of the 22nd of September there is nothing from which may be deducted that I have mixed British Diplomatic claims with those originated in loans or the claims of bond holders. Those have arisen, as their name shows, out of conventions between the respective Governments; and of the same character as those contracted with France, Denmark the United States of America, Holland, Spain and Germany.

In order to comply with Your Excellency's wish to know the documents by which other nations have agreed in the issue of a diplomatic debt, I have the honor to enclose an authorized copy of the conventions on this subject signed at Madrid on the 10th of March 1874 and at Caracas on the 27th of January 1877, both conventions approved by the Congress of the Republic and subsequently exchanged.

Article 4 is as follows :

"The Legation of Spain at Caracas will continue to receive periodically from the Government of Venezuela the mentioned quota to apply it to the acknowledged claims until they be redeemed. If in the conventions made or those that may be made with other nations, the payment of interests should be granted to other credits, Spain, as

the most favored nation, *will have a right to the same interest; and in this case her Legation shall apply the funds which it will receive from the Government of Venezuela, in the first place, to the payment of the interest which may be granted and afterwards to the redeeming of the capital,*

Article 5 of same convention adds :

If, by virtue of conventions which the Government of Venezuela may make with other claiming Powers, a Public International Debt should be substituted, the certificates or bonds issued in favor of Spaniards by virtue of *the present agreement, will be converted at par into bonds of the mentioned Debt.*

In regard to the convention with Germany, made when the law of 29th of May existed, which authorized the issue of the Diplomatic law for international claims, its 3rd article is as follows :

If payment be established by means of debt bonds for diplomatic conventions with interest or otherwise, Germany will have equal rights and advantages to the most favored nation.

Thus, when in its opportunity, the present manner of payment is substituted by that of diplomatic debt bonds, the liquidation of what to that date has been paid to each claimant is made, and 3 p^o bonds are issued for the balance, with interest from the date of issue, Spain and Germany will be obliged to accept them by virtue of the duty contracted in those formal agreements.

In regard to the Treaty which has just been made with France and of which I have the honour to enclose a copy, Your Excellency will find that Venezuela's proposals have been accepted.

Therefore the only thing that is wanting now is, that Great Britain should do the same in order to complete the work, and it is presumed that her example will powerfully influence other claiming nations.

I renew to Your Excellency the assurances of my highest consideration.

(Signed)—GUZMÁN BLANCO.

To His Excellency the Marquis of Salisbury H. B. M. Principal Secretary of State for Foreign Affairs. & . & .

FOREIGN OFFICE.
October 9. 1885.

Monsieur le Ministre,

I have the honour to acknowledge the receipt of your Note of the 12th ultimo, with respect to the payment of interest by the Venezuelan Government upon the British Diplomatic claims.

In reply I would point out that the Claims of British subjects alluded to in your Note cannot correctly be described as being claims arising out of "Loans" nor should they be in any way connected with the claims of bondholders: they are claims against the Government of Venezuela, and were admitted as such in the preamble to the Convention of the 21st of Sept: 1868.

I would further call your attention to the following passage in your note under reply. You observe that "several of the Creditor Powers have given already their formal adhesion to the new plan of payment in Diplomatic Debt Bonds with interest and Redemption; such interest and Redemption tho run from the issue of the Bonds and not before." I have, however, to observe that no such formal consent as that quoted in the above passage has been made known to Her Majesty's Government in any official document, and I have therefore to request you to be good enough furnish me with copies of the documents referred to in your Note, showing the exact terms in which the other Creditor Powers have formally consented to receive Diplomatic Bonds in payment of the Debts due to their respective subjects, such Bonds to bear interest from the date of issue.

I have the honor to be, with the highest consideration, Monsieur le Ministre, your most obedient, humble servant,

SALISBURY.

Señor General Guzmán Blanco, &. &. &.

Legation of Venezuela in London.

Nº. 254.

London, June 19th 1886.

My Lord,

As my departure for Venezuela draws near, I am naturally desirous of seeing definitively settled the questions I have been negotiating with that Ministry since my arrival in London, about the middle of 1884.

I refer especially to three questions: 1º. the additional tax of 30 p 8 on merchandise coming from the British Colonies; 2º. the frontier between the territories of the two Guianas, and 3º. the pecuniary reclamations.

The first two points are resolved in the draft of the Treaty which has to substitute the incomplete and antiquated pact of 1825, by which it is established that in future the merchandize coming from British Colonies shall pay the same duty of importation as that coming from the metropolis and that further any difference between the two contracting parties shall be decided by means of the arbitration of a Power in amity with both nations. And the third point, which refers to the reclamations is dependent only on the assent of the Government of H. M. to the method of payment proposed by Venezuela, which consists in substituting the gradual amortization of the capital without any interest, as it is done now, by a Diplomatic Debt of 3 p 8 interest and with half yearly amortizations. This change has been considered advantageous by the other creditors of Spanish, German,

and French nationality, and nothing is needed but acceptance of the Government of H. M. for its being brought into execution.

I renew &c.

(Signed).—GUZMAN BLANCO.

His Excellency Count Rosebery, Principal Secretary of State of H. B. M. in the Department of Foreign affairs &c. &c. &c.

Memorial 305.

(Retranslated from
the Spanish).

Foreign Office, July 20th 1886.

Sir,

I have the honour to acknowledge the receipt of your notes of 19th and 24th last month.

I am anxious to profit by your permanence in Europe for the purpose of making every effort to come to an understanding with you about the questions which are matter of dispute between our respective countries, and in conformity with the offer I made in my note of 23rd last month. I send you now a memorandum of the bases according to which I should be disposed to enter into negotiations.

I feel assured you will acknowledge the spirit of reconciliation which the Government of Her Majesty exhibit in these proposals and I hope you will meet them with the sincere wish to settle these unpleasant questions in a manner reasonable and satisfactory both to England and to Venezuela.

I have etc.

(Signed).—*Rosebery*.

To His Excellency General Guzmán Blanco, etc., etc., etc.

(Retranslated)
from the Spanish.

Memorandum of the Bases of
negotiation.

I.

Boundary.

It is proposed that the two Governments shall agree upon considering as territory disputed between the two countries, the land situated between the two boundary-lines indicated respectively in the 11th paragraph of Señor Rojas's note of February 21st 1881, and Lord Granville's note of September 15th 1881, and to draw a dividing line within the limits of this territory, either

by arbitration or by a mixed Commission, on the principle of equal division of said territory, and in due regard to natural boundaries. The Government of Her Majesty gives especial importance to the possession of the river Guaima by British Guiana and wishes therefore to make the stipulation that the boundary line is to begin at the coast point, and a proper compensation to be found in any other part of the disputed territory for this deviation from the principle of equal division. In connection with the boundary, there shall be considered the cession of the island of *Patos* to Venezuela.

The river Orinoco shall be entirely free to commerce navigation.

II. TREATY OF COMMERCE.

In the case of a satisfactory arrangement of the other pending questions, the Government of Her Majesty will be disposed to accept the clause of the "most-favoured-Nation" proposed by Venezuela, instead of the absolute clause, which until to day this Government had insisted upon.

It will likewise be convenient to add in the Treaty the clause "by arbitration" proposed by Venezuela, limited to those differences that may arise after the Treaty is signed with exclusion of the questions of the boundary and the island of *Patos*, which the Government of Her Majesty is ready to consider separately in the manner indicated before.

The differential duties for the island of the Antilles shall cease as soon as the preliminary agreement between the two Governments has been signed.

The question of claims of indemnification for the imposition of these duties against the existing Treaty, shall be submitted to an arbitration.

The Government of Her Majesty, with the assent of the British claimants, will agree in settling the reclamations of 1865 in a manner similar to the contents of the second article of the Agreement between France and Venezuela, signed the 26th November 1885. Other pecuniary reclamation of British subjects against Venezuela shall be submitted to a Mixed Commission, or to an arbitration, unless they are disposed of otherwise.

(Translation)

London, 29th July 1886.

N^o 303.

Sir,

I have had the honour to receive the communication of that Ministry, dated 20th last month and the memorandum in it inclosed, of the bases for an arrangement of the questions pending between our respective countries.

There are three of them, and the British Government has connected them and requested their simultaneous and amicable solution.

In regard to the boundary, the Constitution of the Republic declares that the limits of the latter are the same as were those of the *Captaincy-General* of Venezuela in 1810, and in another of its articles it prohibits any alienation of territory. Both provisions combined render it impossible to the Government to enter into any agreement in the matter of limits, in the persuasion that the *Captaincy General*, of which the Republic is the rightful successor, had in 1810 the Essequibo as frontier. There remains for this reason no other solution but arbitration, by which it shall be decided that the possession belongs to whom has the better right. The exclusion therefore, from arbitration of a question, in which it is most convenient and absolutely necessary for Venezuela, removes us farther from the hope of coming soon to an end. It must further be added, that the restriction of arbitration is by itself an obstacle to the signature of the Treaty of commerce, as there is in the same Constitution another article which imposes to the Government the necessity of inserting the clause of arbitration in absolute terms.

Arbitration in this extension has been agreed upon between Venezuela and other nations : Italy, Spain, Belgium, Colombia, etc.

For the arrangement of the dispute in regard to differential duties, it will be sufficient to add to the Treaty a stipulation which puts the colonies on the same level with the Metropolis, as has been proposed by Venezuela ; and as the latter has decreed this tax in virtue of her sovereignty and without breaking any international obligation, as has been proved, she cannot submit to the decision of an arbiter the point whether she is responsible for the execution of the law.

The acceptance of the clause of the most favoured nation in the terms requested by Venezuela, would be completely satisfactory if it were not dependant on her consenting to the propositions referring to the other questions.

The Treaty of 1825 and 1834, which was left deficient, in order to be completed by a new negotiation that was to take place without delay, as it is stated in the 14th article cannot be considered binding sixty one years after its having been signed, so much the less as the Republic during more than four decenniums has been making efforts to fix the time of its duration, which undoubtedly was one of the principal articles omitted.

The arrangement as to the manner of paying the reclamations cannot be submitted to the assent of the private creditors, because their claims were converted by the conventions of 1865 and 1868 into a Diplomatic Debt of the Government of Venezuela to the Government of Her British Majesty.

In the annexed memorandum I have explained more extensively the state of things.

It remains only to express my sorrow to see that the well meant, sincere, and amicable efforts of two years have not produced the result which was to be expected, and that I shall return to my country with the dissatisfaction of leaving the question pending, such as it was before my arrival, or rather worse, for it will be impossible to continue the threefold negotiation which is now suspended, until the person who may come to substitute me, has studied sufficiently the volumi-

nous and difficult dispatches in which it is contained, and acquired the various and profound knowledge which is connected with these questions.

I remain &c.

(Signed)—GUZMAN BLANCO.

To His Excellency the Principal Secretary of Her British Majesty in the Department of Foreign Affairs etc., etc., etc.

MEMORANDUM.

The Government of Her British Majesty made in 1883 through the British Legation at Caracas to Venezuela the proposal of a simultaneous and amicable arrangement of the three following questions viz, Limits, Differential Duties or Treaty of Commerce and Pecuniary Reclamations. The idea was gladly accepted and the President of the Republic sent General Guzmán Blanco to London, with the sincere intention to bring the negotiation to an end. The Envoy arrived in this country in July 1884. He at once began to take the steps conducent to the object, and about the middle of 1885 the proceedings were so far advanced that there remained only pending the discussion about the clause of the most favoured nation and about the manner of paying the claims. The acceptance of Arbitration had opened the way to the solution of the boundary question; the conclusion of a new Treaty of commerce was to remove the difficulties arising from the antiquated pact of 1825, and the British Colonies were sure to obtain the same treatment as the metropolis; and by the admission of the notes of the Diplomatic Debt the general fulfilment of a law of Venezuela was to be achieved, advantageous both to debtor and creditors. In this state of thing a political change took place and the successor of Lord Granville withdrew the article on general arbitration although it had been agreed upon by both parties. It was in vain that the Venezuelan Legation insisted upon the compliance with the word given by the anterior administration, notwithstanding the chief of the new Ministry proclaimed the convenience of redeeming the promises of the Government, even if they were made by their predecessors; and thus the Republic did not obtain what was conceded to Russia.

Meanwhile some grave events had taken place in the Republic, where two vessels under British flag one with an English crew and officers, as has been proved before one of the courts of this city and commented upon by the daily papers, had landed a revolutionary invasion, proceeding from London and Port-of-Spain. These circumstances were little favourable for the continuance of that friendly intercourse. The Legation took up its work again when the danger had been removed, not by any repressive measure of Her British Majesty's functionaries, but by the bravery and loss of life of Venezuelan citizens. Nor was the Legation checked by the consummation of other doleful acts executed by order of the Governor of the British

Colony of Demerara, which had produced an extraordinary excitement in the Republic, the territory of which has been invaded by official commissions, directed to penetrate into various places, to put up public notices and other signs of authority, and even to seize a police-officer and to conduct him off for the purpose of submitting him to trial. The Minister has referred to these occurrences in a special note bearing the number 350.

His last note requesting the arrangements of the three pending points, in expectation of which he has delayed his return to Caracas, although since the 27th of April he is the President elect of the Republic, is answered now in such a manner, that the possibility of an understanding between the two parties appears to be farther off than before.

In fact the pretension is brought forward that the boundary lines indicated in Señor Rojas's note of February 21 1881 and in Lord Granville's note of September 15th 1881 being taken as the extremes, the territory situated between these lines should be considered as under dispute, and a new boundary-line be drawn within said limits, either by arbitration or by a Mixed commission, on the principle of equal division of said territory and in due regard to natural limits. However, as Great Britain gives much importance to the possession of the mouth of the Guaima, it is desired that the line, on the shore-end, shall begin at the west of that point, a compensation for such divergence from the principle of equal division having to be found within the same territory. It is promised to connect the cession of the island of Patos with the boundary-question, and finally the request is made that the Orinoco shall be entirely free to commerce and navigation.

The acceptance of these propositions made by Lord Rosebery would decide, once forever and in a manner unfavourable to Venezuela the question of the right of dominion, always maintained by the Republic, as far as the Essequibo. If Venezuela could do as much, there would be no need of a Mixed Commission, nor of an Arbitration for the purpose of dividing equally the portion of the territory which it is endeavoured to declare as being in dispute. Venezuela has repeatedly held forth to Great Britain her impossibility to alienate any part whatever of the territory of the Republic, such a thing being explicitly prohibited by the Constitution; so that there remains but arbitration for bringing the dispute about the boundary to an end.

It comes to the point to observe that the Republic since 1841 has been urging the Cabinet of Her British Majesty to come to an arrangement in the controversy of limits, and that Lord Aberdeen in 1844, at the time Minister of Foreign Affairs, proposed a line which after having been modified is as follows: "Beginning on the coast at the mouth of the River Moroco, it runs straight to the point where the river Barima joins the Guaima; from there up the Barima as far as the Aunama, which it follows upwards to the place where this creek reaches its shortest distance from the Acarabisi; then it descends the said Acarabisi as far as its confluence with the Cuyuni,

following afterwards the last river up-stream until it reaches the high lands in the immediate neighbourhood of Mount Roraima, which divides the waters flowing to the Essequibo from those running into the Rio Branco."

This proposition was not accepted, not only on account of its being in discrepancy with the rights of Venezuela but also as it appears to make a cession to Venezuela of what she claims as her own, and besides under the onerous condition, restrictive of her right of property of never alienating, to any foreign Power, any part whatever of the ceded territory. It was further requested that the Indian tribes living there at the time, should be protected against all oppression and ill-treatment. The death of the Venezuelan diplomatic Agent interrupted then the course of negotiations, which was urgently taken up again in 1876 in two separate notes, with the inclusion of the of the question the island of Patos. The 16th February 1877 Lord Derby acknowledged the receipt of both these communications, and supposing that the Minister Señor Rojas would bring instructions in regard to the contents of these notes, limited himself to say that his Government would always be much pleased to receive, and to consider with due attention, whatever communications the Government of Venezuela should think proper to send through Señor Rojas, or the Minister Resident of Her British Majesty at Caracas.

The said Agent Señor Rojas, took several steps in the matter and presented the 21st February 1881 by his own account propositions of agreement, which was rejected by Lord Granville the 19th September of the same year, and substituted by the following one: "The starting point shall be fixed in a place on the sea coast distant 29 miles due East from the right bank of the river Barima and from there the line shall run towards the South, passing over the mountain or hill called Tarabita on the original map of Schomburgk situated in 8° Lat. North; thence to the west on the same parallel of latitude, till it intersects *the boundary line proposed by Schomburgk*, and laid down on the said map; farther on it shall follow the course of the Acarabisi to its confluence with the Cuyuní, and then the left bank of the river Cuyuní up to its head waters, whence it shall turn to the South East, to meet *the line proposed by Schomburgk to the Essequibo and Corantin*.

Lord Granville said of this boundary line in the memorandum in which he proposed it, that it satisfied the reasonable pretensions and exigencies of Venezuela, and prevented all occasions of further disputes that such a line left to the Republic what might be called the Dardanelles of the Orinoco, the complete dominion of its mouth, and nearly one half of the disputed territory, whilst it insured to British Guiana a natural frontier well defined in almost its whole length, with the exception only of the first fifty miles from the sea into the interior, where it would be necessary to trace an arbitrary line, in order to give Venezuela the undisturbed possession of the mouths of the Orinoco. He further added that this line did not deprive the Republic of any territory actually peopled and occupied by Venezuela and finally that it would be understood by the indians and other inhabitants, as it ran on the banks of

the Cuyuní from its origin down to its confluence with the Acarabisi, and along the latter up to its head waters and thence over the mountains, which in a northern direction extend towards the sea.

It appears from these statements that in the course of time the propositions of the Government of Her British Majesty have become more and more unfavourable. In the two initial cases it was intended to leave to Venezuela the free possession of the mouths of the Orinoco, it being recognized that this was a reasonable pretension and exigency; whilst in the third proposition endeavours are made to limit her right in this respect by the demand of full liberty to navigate the great river for commercial purposes. On the other hand it is evident that the line proposed merely favours the interests of British Guiana, sets aside not only the question of right, but also the interests of Venezuela.

Considering now that the Orinoco in its whole extension runs through Venezuelan territory, it has evidently the character of an inland river, subjected to exclusive dominion; Venezuela has therefore the right to regulate, and has always regulated its navigation and commerce in accordance with whatever she has believed convenient to her interest. She has constantly maintained the same principles invoked by Great Britain in the memorable discussion with the United States of America in regard to the navigation of the St. Lawrence River, by which the great lakes of that Republic discharge their waters into the ocean. The Legislation of Venezuela has hitherto opened the use of the national rivers to a foreign flag only in some special cases for a limited time, and on the condition of reciprocal concessions.

To conclude, Venezuela revindicates to-day, as she has done formerly and in particular in the Presidential Message of 1877 her rights on the territory as far as the Federal Constitution prohibits absolutely the alienation of any territory of Venezuela, Her Government cannot accept any transaction, whatever it may be nor is there to be found any other way of removing the difficulty, except by appealing to an arbitration.

With reference to the island of Patos it has been proved that on account of its being nearer to the coast of the Republic than to that of England, as well as for other reasons, it must belong to Venezuela, and not to Great Britain. Its inclusion under the jurisdiction of the *Ayuntamiento* of Trinidad by the Spanish Governor which has been alleged *in contra*, has not been confirmed, as it was indispensable for the validity of the plea by the Royal Court of Spain.

The Government of Her Majesty offers to accept "the clause of the most-favoured-nation" in the terms proposed by Venezuela, but only under the condition that the other questions be arranged in a satisfactory manner; however it is apparent, and will always be so, that the difference between the two parties is growing wider every day.

It is also offered to add in the Treaty of commerce the clause referring to the arbitration proposed by Venezuela, provided it be limited to the differences that may arise after the date at which

the Treaty be signed, and with the exclusion of the question of the boundary as well as that of the island of Patos, to which is to be applied the special method pointed out before. But the boundary question is precisely the most important which ought to be submitted to an arbitration, as it is at the same time the most adequate for such a proceeding; just as Great Britain has done in several cases of the same nature with the United States of America and quite lately in that of the "Haro Channel," which was referred to the arbitrament of the Emperor of Germany, and decided by him; and it is a notable circumstance that the Government of Her Majesty has appealed as often as six times to this manner of adjusting the dispute.

It must likewise be considered that the Article 109 of the Constitution of Venezuela orders the Executive Power to insert into the Treaties the clause of arbitration for whatever differences may arise between the two contracting parties, without admitting of no exceptions of any kind. It appears herefrom that the President can neither accept, nor Congress approve, a Treaty which does not contain such a stipulation, or includes it with certain restrictions.

In regard to the differential duties it is pointed out that they shall cease as soon as the preliminary agreement between the two Governments be signed. The Minister of Venezuela has stated from the beginning, and constantly, that he is disposed to put the English Colonies on the same level with the metropolis, by means of the addition, in the new Treaty of an article which expresses it explicitly.

The novelty is now introduced of proposing an arbitration to decide the question of claims for indemnification, on account of the imposition of these duties against the existent Treaty.

The Government of Venezuela kept up a correspondence with the British Legation at Caracas, from 1882 to 1883, in order to explain and to justify the legitimate right of the Legislature to establish the additional tax of 30 per cent on all merchandize coming from the English Colonies in the Antilles. The attention of the British Government is called to the discussion, so much the more so as the last note of the Minister of Foreign Affairs of February 7th 1883, has not been refuted hitherto, and it was the next step of the Government of Her Majesty to combine this question with those of the boundary and pecuniary reclamations, and to demand their simultaneous and amicable arrangement.

It will be serving the purpose to recollect the substance of the controversy. A law of Venezuela, of 1881, imposed an additional duty of 30 p 8 on all merchandise coming from the Colonies. Lord Granville was of the opinion that in regard to Great Britain, this was a breach of the Treaty concluded in 1825 with Colombia, and renewed in 1834 with Venezuela. He maintained that by the fourth article of this Treaty, it was prohibited to impose on the importation into the ports of Venezuela, of articles being the growth, produce or manufacture of the dominions of Her British Majesty, other or higher duties than those which are or may hereafter be payable on similar articles, being the growth, produce, or, manufacture of any other foreign country. It was argued

that, in consequence of the new law, merchandize imported directly from the British Colonies in the Antilles, shall have to pay higher duties than similar articles coming from other countries, and that in the case of such merchandize being the growth, produce or manufacture of the dominions of Her British Majesty, the application of the law was incompatible with the stipulations of said Treaty. It is apparent herefrom, first of all, that there is no motive for complaint if the taxed merchandize be of foreign origin, though it may come from the Colonies; and further that there would be no breach of treaty if the tax were not limited to the British Colonies, but applicable to all, without distinction of nationality, inclusive even of Venezuelan merchandize. Moreover, the stipulations referred to would not have been trespassed, if the territory of the English Metropolis had been included in the duty, provided all the other Powers were to be included too. It has also been proved that, by the third article, reciprocal liberty of commerce was established between Colombia and the territories of H. B. Majesty in Europe, so that the text excludes the Colonies, which might have been, but were not mentioned in it. The difference has been insisted upon, which always has been made between the metropolis and the Colonies, the latter holding a situation less favourable than that of the former; and it has been observed that in the political language of Great Britain the words "Colony" and "Dominion" do not signify one and the same thing. It has also been shown that in the article 3rd mentioned before, H. B. Majesty allows the Colombians the same liberty of commerce and navigation which is stipulated for the dominions of H. Majesty outside of Europe, in the same extension in which it is allowed to any other nation; and herefrom it follows that an inequality was established between the commerce with the metropolis and the commerce with the Colonies. Finally the significative fact was called to mind that when in 1825 the Treaty between Colombia and Great Britain was concluded, there existed in that Republic differential duties for the Colonies, which continued after the ratification of the Treaty, without the cabinet of London thinking it worth the while to make any observation about it, which proves that this point was then understood in the same manner as now maintained by Venezuela.

The President of the Republic, with a spirit of reconciliation, issued the 22nd January 1883 a Decree, that the tax was not levied on all those productions and manufactured articles which, having been embarked in Europe or the United States of America with destination to the ports of Venezuela, in accordance with the formalities prescribed in the Law about the transaction of business in the Custom-Houses, should arrive by transit in the Colonies, in order to be transhipped there, or to be deposited until being taken to the ports of Venezuela in other vessels.

This modification has attenuated the effects of the measure to the benefit of the Colonies.

The Government of the Republic has been not less disposed to add in the Treaty of Commerce an article for the purpose of exempting from differential duties all the importations from the British Colonies, as far as they are not prohibited in Venezuela!

It is a matter of urgency that the Treaty of 1825-1834 should expire; because besides its being antiquated, as it was called by Lord Granville, it is impossible that stipulations in regard to navigation and commerce should have a character of perpetuity; they cannot remain stationary, but needs must follow the current of human events. The contracting parties themselves declared that the Treaty was incomplete, and they intended carrying on the negotiations without the shortest delay, in order to add the omitted articles, one of which being evidently the fixation of the time the Treaty was to be valid. This has not yet been done, although since then sixty one years have passed and Venezuela has urgently requested it long ago; whilst it was conceded to New Granada, like herself an heir to the Treaties of Colombia, already in 1866.

It is satisfactory that the Government of Her Majesty with respect to the claims recognized in 1865, has resolved to agree upon an arrangement similar to the contents of the 2nd Article of the convention made between Venezuela and France, the 26th November 1885.

But it does not appear advisable to make it dependent on the assent of the private creditors; because these claims are not any longer a private affair, since they have been converted into international arrangements. The parties interested have had time to express their opinion about the proposed change and there is no doubt that it is as favourable as were the opinions of the German, Spanish and French claimants. There can indeed be no vacillation whatever; on one side, a slow amortization, by small sums, of the capital of a debt without any interest, and not simultaneously for all the creditors, but successively for the two classes in which they are divided;—on the other full payment of the whole amount in notes bringing interest, and therefore saleable in the money market.

In the case of there existing any other pending reclamations of subjects of Her Majesty against Venezuela, the Government will not deny their being submitted to the decision of a Mixed Commission, in the same manner as has been done with some French claims in the recent agreement made in Paris, but of course under the conditions specified in its 5th Article.

United-States of Venezuela.

Legation in London.

No. 350.

London, July 28th 1886.

My Lord.

It is some time since the Government of the United States of Venezuela communicated to me the order to enforce before the Cabinet of H. B. Majesty the reclamations made first at Caracas, against the repeated acts of violence committed by English authorities in the territory of Venezuela. I have waited till now that the Cabinet of the Queen, taking in consideration the just complaints of the Repub-

lic would after the necessary information dictate the measures of satisfaction, which these offences demand. But as this has not been the case I proceed to expose the reasons of the urging requests of the Executive Power.

I must begin by saying that the facts committed in detriment of Venezuela are impossible to be justified, and as they go out from agents of a great and powerful nation, with which the Republic has lived in long and cordial amity it is very natural that they have excited considerably public opinion and roused feelings, which had been silent since 1841.

If Your Excellency be pleased to order that the respective documents be brought to views, it will be found that Engineer Schomburgk, in charge of a scientific commission in Guiana, travelling at that time over the country, erected arbitrarily in Barima and other parts, posts as signs of the British dominions in those places, as if one of the parties in an international dispute, could resolve *per se* and *de facto*, without any contradictory discussion, a controversy with the other having the same attributes, viz, sovereignty and independence. However this arbitrariness was not approved; on the contrary, the Government of Her British Majesty without listening to the voice of reason, gave in honour to themselves, the necessary explanations, and moreover ordered the posts and emblems to be removed.

The President of Venezuela, wishing to prevent in the future the repetition of such grave events, and to shut up for ever the fountain of differences, and difficulties set to work at once with the greatest interest for the arrangement of the question of the frontiers between the two countries. The negotiations were opened at first by the Minister Plenipotentiary, Señor Dr. Alejo Fortique, but no result was arrived at, on account of his untimely death in 1844. From that time till to-day, some steps have been taken in order to bring the matter to an end, and Venezuela has seen with sorrow that lately a proposition has been made by Great Britain, which is less favourable than the one presented spontaneously by Lord Aberdeen to Señor Dr. Fortique, without there being know anything in regard to the cause of such difference. The Republic, for her part, considering the mutual advantages of arbitration, adopted by Her Majesty in similar cases, and besides prompted by constitutional precepts, has appealed more than once to a procedure, recommended by the Chambers, the statesmen, and the public opinion of the United Kingdom of Great Britain and Ireland, as well as by the whole civilized world.

Mr. Belford Hinton Wilson Chargé d'Affaires of Great Britain in Venezuela referring to the rumour which had spread in 1850, that England intended claiming Venezuelan Guiana, took great interest to contradict it, and declared in an official note of the 11th November, that not only it was absolutely and completely groundless, but that precisely the contrary was true. In addition to which he expressed himself in the following terms:

"The Venezuelan Government, in justice to Great Britain, cannot mistrust for a moment the sincerity of the formal declaration which is now made in the name and by the express order of Her Majesty's

Government, that Great Britain has no intention to occupy, or encroach upon, the territory in dispute; therefore, the Venezuelan Government, in an equal spirit of good faith and friendship, cannot refuse to make a similar declaration to Her Majesty's Government, namely, that Venezuela herself has no intention to occupy, or encroach upon the territory in dispute."

Further on says Mr. Wilson in the same note:

Her Majesty's Government, as above stated, will not order sanction such occupations or encroachments on the part of the British authorities; and if at any time there should be any error about their determination in this respect, the undersigned is persuaded that, they would willingly renew their orders on the subject; he is then satisfied that, in accordance with the friendly suggestions of Her Majesty's Government, the Government of Venezuela will not hesitate to send to the Venezuelan authorities positive orders to refrain from taking measures which the British authorities may justly consider as aggressions.

The Government of the Republic complied with his desire, and declared not to have the intention to occupy, not to usurp any part whatever of the territory, the dominion of which was a matter of dispute, adding that it would not be seen which indifference, if Great Britain should proceed otherwise. According to this promise, the authorities of Guiana were instructed to abstain from any steps which might infringe the engagement contracted by the Government and possibly have lamentable consequences.

This agreement has been in force till now without any alteration; no term was fixed for it, nor has any of the two parties since then made to the other the least communication concerning the matter.

If such an agreement has any signification whatever, it is clear that neither Great Britain, nor Venezuela, were allowed to occupy the disputed places, the specification of which ought to have been an integral part of the agreement; but this was not done. However, the rational meaning of the latter is in its bearing upon the maintenance of the *statu quo*. In this sense it has been understood by the Republic, and therefore the British were left provisionally on the territory, claimed by Venezuela as far as the Essequibo, of which they had *de facto* taken possession.

Great Britain, on the contrary has been advancing in its occupation of the territory, and this conduct, as well as the recent actions of its authorities, prove that the spontaneous declaration mentioned before had passed recollection,

At the time the question of the frontier between Venezuelan and British Guiana was ventilated, Lord Aerdeen then First Secretary of State of H. B. M. in the Department of Foreign Affairs, spontaneously proposed in reply to the claim made by the Plenipotentiary Señor Fortique in regard to the Essequibo-line., that the frontier should begin on the coast at the mouth at the river Moroco and follow the latter up-stream, &c. It follows herefrom that the British pretensions, at the utmost, could not go farther, for it would be an absurdity as inadmissible as discreditable for the illustrated members

of the Government at that time, to suppose that the Cabinet of H. M. did not know then, that the boundary-line should go as far as the Orinoco.

Venezuela however, did not accept the proposition. But now, forty years after these events and notwithstanding that England to-day cannot have any more right than its predecessor Holland had in 1814, when the cession of part of Dutch Guiana took place, it is pretended that Great Britain is entitled to exercise jurisdiction as far as the right bank of the river Amacuro.

But let it even be supposed for a moment, that such were the aspirations of Her Majesty's Government, it was certainly not permitted that, after the promise not to occupy, nor to usurp the disputed territory, officers of the British navy, and civil authorities, should commit actions like those consummated at the principal mouth of the Orinoco and in other places, mindless of the sovereignty, laws, and authorities of Venezuela. Some English functionaries requested in October in 1884 the assistance of a pilot to enter the river, and as this request was denied to them, on account of their not being bound for any port of the Republic open to foreign commerce, they continued quietly in their voyage, penetrated into places which always have belonged to Venezuela, erected posts with the notice of such places being under the British law, removed functionaries of the Republic, substituting them by other, of their own selection intended enlisting the services of Venezuelan officers, and promised to return with larger forces to make effective their orders. They returned indeed and continued in their proceedings, without taking any notice whatever of the protest of the Venezuelan authorities. Not satisfied herewith, they arrested an officer of the Republic, under the pretext that he was guilty of misdemeanor, for having ill-treated a Portuguese subject; and being brought before a tribunal at Demerara, he was sentenced to punishment which has been executed. This man is named Robert Wells, held the place of Commissioner of Amacuro, and was captured by trickery.

These facts need no other proof but the following. The Government of the Republic appointed General Federico Puga to make an enquiry into what had happened. He visited the places where the events had occurred, and having met at Morajuana Mr. Michael Mc Turk, he asked him first verbally, and then by writing about the affair. This person, who gives himself the title of "Acting Special Commissioner and Superintendent of the Crown Lands and Forests in the District of the River Pomeron" answered the 4th April in the following terms:

Morajuana River—British Guiana.

April 4th 1885.

I have been on Rivers Amacuro, Barima, Morajuana and Waini and have placed notices in English at the principal points on said rivers. I regret not to have a copy of those notices to send to you; but, as they were removed by the employees of the Manoa Company,

you may probably be able to get one from them. The notices were posted once only by order of His Excellency the Governor of British Guiana.

The name of the steamer in which I came was the "Lady Longden" Captain Paisley. I have been several times on the aforesaid rivers after having posted the notices, but in the discharge of my functions of Magistrate in charge of the District of which they form a part.

Roberto Wells was sentenced by the Supreme Criminal Court of the Judelic sessions, Essequibo river, on the 20th of February last, for an assault committed (I believe in October last) upon the person of a Portuguese subject at River Morajuana. I never heard the he was a Police official for the Government of Venezuela, but I did hear that he was an employee for the Manoa Company as I was told by Wells himself.

I did not require a pilot for the Amacuro neither did I ask for the services of one for the Orinoco.

I have the honor to be Sir,

Your obedient servant,

(Signed).—*Michael Mc Turk,*

Special Magistrate pro tem and Superintendent of the Crown lands and Forests in the District of the River Pomaron.

Señor F. Puga Commissioner for the National Government of Venezuela.

Here it is manifestly recognized 1st, that Mr Mc. Turk visited the rivers Amacuro, Barima, Morajuana, and Waini, and that he put up English notifications in the principal places; 2nd, that he did so by order of His Excellency the Governor of British Guiana; 3rd, that he went in the steamship "Lady Longden" Captain Paisley; 4th that he has visited repeatedly those rivers, after having put up the notifications; although he adds, that he did so in virtue of his office as Acting Commissioner of the District to which they belong; 5th that, Robert Wells was sentenced by the Supreme Criminal Court during the sessions at Judelic, River Essequibo, the 20th February last, for having made an assault, as it is reported, on the person of a Portuguese in the river Morajuana (in October 1884); and 6th that he did not need a pilot for the river Amacuro, nor requested the services of any one for the Orinoco,

With respect to the last points, this statement of Mr. Mc Turk is contradicted by several witnesses; however it shall be set aside for the moment, in order to expose the transcendence of the proceedings of the said person, in his character as a public British functionary,

At first sight it is clear and evident that the most sacred attribution of the Republic, viz, its territory, has been violated by British officers by order of the Government of Guiana, and not accidentally, but with deliberate purpose, and in midst of the amity which was established by a solemn pact.

In the second place, there has been committed an infraction of an agreement, conceived and proposed to Venezuela since 1850 by Great Britain which was only accepted by the Republic with deference

to the desires of H. M., and for the purpose of preventing in the future, until the question of the frontier should be settled definitively, any difference that might be hurtful to the good relations between the two parties.

The Governor of British Guiana has infringed the orders he must have received formally, and which later on must have been repeated of not making any usurpation, nor occupation; as the Government of H. M. had promised neither to ordain, nor to sanction, any such proceeding of their authorities, and declared to be ready to renew willingly their orders concerning this matter in the case of there occurring any misunderstanding in regard to this point.

At the same time is there an instruction of the declaration made in the name, and by special order, of the Government of H. M., viz., "that Great Britain has no intention to occupy, nor to usurp, the disputed territory.

As this agreement refers to those parts of the Territory which are the subject of a dispute, it must likewise be applicable to places of undoubted ownership, which have always been in the rightful possession of their lord. Such is precisely the case with some of those places, where English functionaries executed jurisdictional acts, and where never any other Government but that of the Republic has been known. The very circumstance of it having appeared convenient to put up notifications and other signs of the British dominion proves that it was intended to speak to the eyes of the inhabitants, giving them to understand, that some novelty was to be introduced. For the same purpose Mr. Mc Turk was sent to places, which did not belong to the district under his jurisdiction.

Although the said Mr. Mc Turk assures that he did not ask for a pilot to sail up the Orinoco, there is the statement of the officers of the Light-Ship, who affirm the contrary, and who did not comply with his request, as his voyage was not directed to any port open to foreign commerce. He however, did not take notice of this formality, and continued his voyage at the risk of coercitive measures to prevent the consummation of an offence against the rights of Venezuela. The laws do not permit the entrance into the Territory but through the ports qualified for this respect; and even if Great Britain owned possessions, the access of which were only possible through the lands or waters of the Republic, it would be necessary to comply with this formality. The Orinoco is an inland-river, which only can be entered by vessels under certain conditions, and with the indication of those places, where it is allowed to land or to drop anchor.

There exists moreover a law prohibiting foreign men-of-war the entrance into ports not open to foreign commerce, unless it be for scientific purposes, and in this case only with the previous permission of the Executive Power. This law was notified in 1882, although there was necessity for doing so, to the foreign nations represented in Caracas, and amongst them to Great Britain.

The gravity of the case increases, when it is considered that a functionary of the Republic was arrested in its own territory and without

notice being taken of his authority; that he was called under false pretenses on board a British vessel, where he was told he was a prisoner; that he was taken to Demerara, brought to trial, and sentenced to punishment which was executed, for the misdemeanor of having ill-treated a Portuguese subject. The majesty of the Nation has been offended by such a proceeding against the person of Mr. Wells, who was its commissioner. If he did anything wrong in exercising his commission, he was only responsible for it to the qualified judges of Venezuela, and by no means before the tribunals of a foreign country, to the laws of which he was not subject. It is difficult to understand, why his cause was not dismissed, as soon as he alleged his character as a Venezuelan functionary, and the deed he was accused of had been an act of his legitimate jurisdiction within the territory of the Republic. In case that such jurisdiction should have been unduly conferred on him, the consequences were for the Republic, his constituent and had not to fall back on a subordinate, who acted on behalf another one. And even if he had been a private delinquent, his actions were only subject to the lord of the territory where they had been committed, and not to the authorities of Demerara, who sentenced and punished him.

The functionary who was on board the mentioned man-of-war of H. B. M., entered the mouth of the Orinoco, arrived at the Light-Ship and asked for a pilot to sail up the river: and as this request was denied by the officers of the Light-Ship, on account of the steamer not being bound for any port open to foreign commerce, he sailed on without a pilot as far as the "Amacuro" and next day to "Guaima" by the channel of "Barima," leaving at all the places touched the following notification:

GOVERNMENT NOTICE,

Notice is hereby given that any persons infringing the right of Her Majesty, or acting in contravention of the laws of British Guiana will be prosecuted according to Law.

By Command,

Francis Villiers.

Acting Government Secretary.

Georgetown, Demerara,

16th October, 1884.

Printed at the Royal Gazette Office.

All this happened in October 1884, since the 18th of the month. From that time onwards the Venezuelan territory was repeatedly invaded and amongst other acts the following were committed. The authorities named by the Governor of the "Territory Delta" at the mouths of the Amacuro and Morajuana, were violently destituted, and to the commissioner at the former of these places, Señor Roberto Liso, the proposal was made to invest him with sufficient authority, pay him a salary and give him the necessary garrison for the maintenance and defence of the British jurisdiction in that place.

The 22d november following, the said Mr. Mc. Turk wrote from the right bank of the Amacuro to Mr. Thomas A. Kelly, Acting President of the Manoa Company, stating that he had received notice that the Company was going to erect a saw-mill at the mouth of the Barima, and added what follows: I deem it my duty as the Officer now in charge of the Pomeroon River Indicial District, and which District extends to the limits of the Colony on its Venezuelan or Western side, to notify you that the Barima River is in the County of Essequibo and Colony of British Guiana, and forms part of the Indicial District, over which I exercise jurisdiction.

No settlements of any kind whether for the purpose of trade or any other purposes can be made within the limits of the Colony unless in accordance with its existing laws, and those that may become resident therein will be required to obey them.

I would draw your attention to the notices posted on the trees, in the Amacuro, Barima and Waini Rivers, one of which I am told you have. I enclose a written copy. These notices were placed where they are by order of His Excellency the Governor.

I have the honour to be, Sir,
your obedient servant,

(Signed).—MICHAEL MC. TURK.

Special Magistrate and Supt. Crown Lands & Forests. Essequibo
River, and Act. for the Pomeroon River Judicial District.

Thomas A. Kelly, President Manager of Manoa Company.

In another communication of the same date, Mr. Mc. Turk writes to Mr. Kelly as follows:

"I have the honour to inform you that you are now within the limits of the Colony of British Guiana and those of the District under my jurisdiction, as one of the special magistrates and superintendent of Crown-Lands and Forests of this Colony and therefore you are outside your jurisdiction as a functionary of Venezuela.".... "Whatever notification you should make to the inhabitants, will be void, and all persons residing in this or any part, of this colony, or visiting it, will have to conduct themselves in accordance to its laws. I must likewise call your attention to the notifications put upon trees on the banks of this river, as also on the rivers Waini and Barima. These notifications were fixed, where they are, by order of the Government of British Guiana."

The 25th October 1884 the Acting Secretary of the Government of British Guiana." wrote the following letter to Mr. Fitzgerald.

British Guiana.—Government Secretary Office.

Gorgetown Demerara 25th October 1884.

Sir,

I am directed by H. E. the Governor of British Guiana to acknowledge receipt of your three letters noted in the margin with reference and transmitting documents respecting the Manoa Company and the concession made by the Venezuelan Government and to convey to you the expression of H. E.'s thanks for the information and the documents supplied.

With regard to the British Guiana boundary I am directed by H. E. to intimate to you that the Colonial Government exercise authority and jurisdiction within the limits laid down in the accompanying map starting from the right bank of the Amacuro River, and that within these limits, the Colonial Government reforce the Law of British Guiana.

I am further to intimate to you that any person disregarding or acting in contravention of the Laws of British Guiana within these limits will be liable to be prosecuted according to the Laws of the Colony.

The whole of the territory therefore between the Amacuro and Moruca Rivers is part of the Colony of British Guiana and the Colonial Government will maintain jurisdiction over this territory and prevent the rights of Her Majesty or of the inhabitants of the Colony being in any way infringed.

I have the honour to be, Sir, your obedient servant.

(Signed)—F. GAULIS.

Ac. Government Secretary.

C. C. FITZGERALD ESQ.

Phenix Building.—16 Court St.—Brooklyn.—New York.

I have quoted literally these passages, in order to show the eagerness of the British authorities in claiming the jurisdiction in those places of Venezuela, adding to the words the facts.

On the other side, the following paragraphs are to be found in a note sent by the British Legation at Caracas, the 8th January 1885, to the Ministry of Foreign Affairs of Venezuela:

"In a dispatch dated London the 28th November, I am directed by Her Majesty's Government to attract the attention of that of Venezuela to the proceedings of the Agents of the Manoa Company in certain districts the sovereignty of which is equally claimed by H. M's Government and that of Venezuela.

Earl Granville further instructs me to request the Venezuelan Government to take steps to prevent the Agents of the Manoa Company or of Mr. H. Gordon, who has also a concession for colonization from the Venezuelan Government, from asserting claims to, or interfering with any of the territory claimed by Great Britain.

Her Majesty's Government in the event of that of Venezuela

declining to move in this matter would, to their great regret, feel themselves under the necessity of adopting measures for preventing the encroachment of the Manoa Company, and the Governor of British Guiana would even be instructed to employ an adequate Police force for the prevention of such encroachment and the maintenance of order.

Lord Granville goes on to inform me, however, that no steps will be taken by the Governor of British Guiana pending this reference to the Venezuelan Government.

I need hardly remind Your Excellency that the question of the Boundary of British Guiana, is one of long standing, and that communications upon the subject are at the present moment taking place between Her Majesty's Government and the Venezuelan Minister in London, and it is therefore all the more important that incidents calculated to cause grave inconvenience should be presented. The territories irrespective of those disputed by Venezuela and Great Britain, conceded to the Manoa Company are enormous in extent; but without entering into that portion of the question, I feel certain that His Excellency the President of the Republic, will duly appreciate the immense importance of obviating the possibility of any collision between the Agents of that Company and the British Authorities in the territories, the sovereignty of which is still a disputed question."

The 26th. of the same month of January Mr. Mansfield wrote again the the Governement. informing, that orders had been transmitted to the Governor of British Guiana to send Mr. Mc. Turk (Stipendiary Magistrate), accompanied by an adequate body to the police, for the purpose of making, in the District on the eastern bank of the river Amacuro, an enquiry into the operations of the Manoa Company, and more specially into the conduct of Mr. Robert Wells and others who are accused of having tortured people, hanging them up for a time by their ankles etc. The Legation observed moreover that Mr. Mc. Turk would proceed in accordance with the laws which are in force in the other parts of British Guiana and called to mind that the words of the contract with the Manoa Company are textually: "as far as British Guiana." In connection with this circumstance, the British Minister says further that Mr. Fitzgerald has the following statement in his Report on the territorial concession of the Great Delta of the Orinoco to the Manoa Company: "About ten miles to the Southwest of Punta Barima is the mouth of the river Amacuro, which in 1800 formed the frontier between British Guiana and Venezuela:" wherefrom it would appear that the place of which notice has been taken, is not even claimed by the Manoa Company. Finally it is mentioned by Mr. Mansfield that the Governor of British Guiana had sent information to London that the posts erected by order of the Government of said Colony, the 11th October, on the eastern bank of the river Amacuro and in other places to prevent the usurpation of the territory, which was claimed by the British crown, had been removed and sent to Ciudad Bolívar as it was presumed, by order of the Government of Venezuela; and it is added that this incident might possibly become the cause of a corres-

pondence of a character little satisfactory, if it did not lead to serious inconvenience in the future.

The passages copied and the fact narrated contain the explicit affirmation that the British Authorities have executed the most solemn acts of jurisdiction in places, which they at the same time declare to be a matter of dispute with Venezuela, that is to say, that they have infringed and continue to infringe the agreement proposed by H. B. M. "neither to occupy, nor to usurp, the disputed territory. The infraction is so much the more serious, as violence has been used in the proceedings, just as if there never had been the slightest controversy about the dominions of those places. The Government in London has therefore shown no consideration whatever for the rights of Venezuela, but he decides quite alone upon the superiority of those alleged by Great Britain and consequently passed on to acts of violence.

It is a not less notable circumstance that no previous steps were taken to acquaint the Government of the Republic, not even through this Legation, with the motives of complaint, on which the appeal to force was to be founded. Such a proceeding is in contradiction with the amity, fostered so carefully by Venezuela, and intended to render still more perfect by the accreditation of a first-class representative in London. It is likewise contrary to the practice of nations, which before making use of reprisals, adopt measures of reconciliation and amicable intelligence, as required by the consideration to which they are entitled mutually.

Mr. Mansfield stated in a note of 8th January, that the Governor of British Guiana would not take any steps, whilst there was pending the request made to the Government of Venezuela, that the agents of the Manoa Company, or Mr. H. Gordon, should be prevented from claiming or obstructing any part of the territory claimed by Great Britain. This friendly measure would not have failed to give good results if at the same time had not been already executed the orders resolved upon by the British Government. Some days later, on the 24th January, Mr. Mansfield informed that since the 11th October 1884, posts had been erected, by order of the Governor of British Guiana, on the eastern bank of the river Amacuro, and in other places. The 31st January the Governor of the Territory Delta communicated to the Executive Power, that an English commission had entered the mouth of the Amacuro, arrested the civil commissioner appointed there by the first authority of said Territory, and left in the place a body of police.

The assertion of Mr. Fitzgerald, that in 1800 the frontier between Venezuela and British Guiana was at about ten miles to the South-East of the river Amacuro, has no foundation whatever. To be convinced of is, it will be sufficient to remember that Great Britain, in that year, had not acquired as yet any right to the part of Guiana which was ceded by Holland, and that the river Essequibo had been the frontier between the colony belonging to the latter country and the Spanish possessions, as Venezuela always has sustained. The mistake committed by Mr. Fitzgerald certainly cannot do prejudice to the rights of the Republic.

It must not be overlooked moreover, that the grant given to this gentleman does not indicate any specified limits, only the words "as far as British Guiana" being used, as Mr. Mansfield repeats in one of the passages quoted from his correspondence. Notwithstanding all this, the operations of the Manoa Company have been made use of as a pretext for detrimental actions against the rights of Venezuela.

The circumstance that the posts have been removed, which by order of the Government of British Guiana were erected on the eastern bank of the river Amacuro, and in other places, is nothing else than a protest against the pretensions of Great Britain; for if Great Britain believes to be the owner of those places the Republic is sure that they are Venezuelan property; and if those signs had been left untouched, the object they were erected for would have been recognized, so that to-morrow the assent of Venezuela to such an arrogation of British dominion might be alleged. These signs would be proofs of the occupation of a territory which H. M. has engaged "not to occupy, nor to usurp," by a spontaneous act of her Government, presented with much interest to be accepted by Venezuela. In the case, which is denied, that this country had committed an infraction of the same duty it had contracted, the first thing would have been to make friendly remonstrances in order to obtain redress for the fault; instead of appealing to one-sided and pressing measures, that hurt the dignity of a sovereign State which sees, more than ever, threatened the integrity of its territory in one of the most important parts, viz, the great river Orinoco, which discharges into the Ocean the numerous streams bathing the soil of the Republic and that of neighbouring countries, and forming the principal communications, not only between the different regions of her own territory but also between them and foreign domains the forestalling of the most splendid future in the natural progress of the young nations of America.

In the last proposition of an arrangement made by the British Government to Venezuela, it is stated that as the capital point for Venezuela was the possession of the Orinoco, a line was indicated which would begin about 29 miles to the East of the right bank of the river Barima; this line was not accepted by Venezuela, which insists upon the Essequibo being the frontier.

The Government of the Republic gave Mr. Mansfield the assurance that in accordance with the words of the contract "as far as British Guiana," the limits of the grants did not trespass those of the disputed territory, and promised most sincerely that steps would be taken to elucidate the facts, as the Manoa Company had been accused of having transgressed those limits. Very properly the Government took advantage of this opportunity to recall the fact that on the 18th October 1884 an English man-of-war entered the mouth of the Orinoco; arrived at the Light-Ship; asked for a pilot to sail up-stream, but that this request was denied, the vessel not being bound for any port open to foreign commerce, as the law requires; that notwithstanding this oppo-

sition the ship went to Amacuro, and on the following day to Guainia by way of Barima, after having erected posts in all the points visited, with printed declarations of dominion : proceedings which had called most earnestly the attention of the Government although at first they were doubted, on account of the extraordinary character of the facts.

In his second note His Excellency the Minister of Foreign Affairs expressed to Mr. Mansfield the great surprise with which the Federal Executive had seen the contents of his note of the 26th January, both in reference to the acts attributed to Mr. Robert Wells, as well as to the orders given to the Governor of British Guiana, to send the Judge Mr. Mc Turk, accompanied by an adequate body of police, to make enquiries into the operations of the Company on the eastern bank of the river Amacuro, although it was working on territory belonging without any doubt to Venezuela. "This surprise of the Government," continues the Minister, "became greater still after the receipt, yesterday, of a telegram from the Governor of the Territory Delta by which he communicates the news that an armed force, sent by His Excellency the Governor of British Guiana had penetrated into the Territory of Venezuela, arrested by compulsion the Commissioner at the mouth of the Amacuro, and carried him off after having left in the place a body of police. Setting aside all the other events, of which Your Excellency is already informed, this last one is enough for Venezuela to consider herself attacked in regard to the sacred rights of her dominion, and for her to call most earnestly your attention, that you may dictate the measures that the case calls for in order that such proceedings be repaired and everything brought back to the state in which it was before in accordance with the *statu quo* in force which determines that neither of the two nations shall exercise jurisdiction in any part whatever of the disputed territory. This becomes the more indispensable, that negotiations are being carried on between Venezuela and Great Britain with a view to put an end to the long standing dispute about the frontier between both. The Plenipotentiary of the Republic has received instructions to press the negotiations and these evidently would lead soon to the wished for reconciliation if those improper proceedings were avoided, which have all the aspect of hostilities, and are in open contradiction with the respect of the principles of territorial dominion and justice, that should distinguish the relations between civilized nations."

In accordance with the instructions I have received from my Government and in consideration of what has been stated, I beg to enclose a copy of the agreement which was accepted by said Government at the request of Mr. Wilson, British Chargé d'Affaires in Caracas, and I respectfully ask :

1st. The removal of all signs of sovereignty erected in the disputed territory by order of the Governor of British Guiana.

2nd. The recall of all functionaries and public force which may have been stationed there.

3rd. Satisfactory explanations for the non-fulfilment of the

agreement proposed to Venezuela by Great Britain, and for the infraction of the laws of the Republic in regard to ports not open to foreign vessels.

4° The annulment of the proceedings against Mr. Robert Wells, his liberty, and an indemnity for the damages resulting from his capture, imprisonment, trial, and punishment for the imputation of an act of misdemeanour on Venezuelan territory.

5° The complete re-establishment of things to the state in which they were in 1850 in which year was made the agreement referred to, and strict orders to the Governor of British Guiana to faithfully observe it, until the two Governments arrange the question of the frontier.

I renew, etc.

(Signed)—GUZMAN BLANCO.

His Excellency Earl Rosebery, H. B. M^{ts}. Principal Secretary of State for Foreign Affairs. & & &.



THIRD PART

TRANSLATION

Department of Foreign Affairs.

Caracas December 7th. 1886.

Sir :

In accordance with the order of the President of the Republic, as the result of the conference we held with him yesterday, I have the honor of addressing Your Excellency and stating in substance what he then expressed.

He said that his attention had been seriously called by the grave character of the intelligence received as to occurrences taking place, it is affirmed, in Guiana in regard to its boundary with British Guiana. He recalled the agreement made in 1850 by an interchange of notes between the two Governments on a spontaneous proposal of the British Government, and upon the ground of information sent from Ciudad Bolívar by Vice-consul Mathison to Mr. Wilson, Chargé d'Affaires at Caracas, respecting the transmission of orders to the authorities of the province of Guiana to put the same in a state of defence and to repair and arm the dismantled forts, and the language used by Governor José Tomás Machado as to the erection of a fort at the Barima Point ; and on account also of a rumour spread to the effect that Great Britain intended to claim the province of Venezuelan Guiana. Besides giving it the lie by affirming that not only was it destitute of any foundation, but also that it was precisely the reverse of the truth, Mr. Wilson declared in the name of his Government that the latter had no intention to occupy, or encroach upon, the territory in dispute, and that it would not ordain or sanction such occupation or encroachments on the part of British authorities. At the same time he requested and obtained from the Government of the Republic analogous declarations. She has kept such an agreement by preserving the *statu quo*, while Great Britain has infringed it, since, besides the acts of jurisdiction consummated from 1884, it has been ascertained that she has just now in the channels formed by the rivers Amacuro and Barima, about which there has been no question before, a Commissary provided with two vessels

containing arms and policemen, who levies taxes and prohibits persons, going there on mercantile business, from carrying out their operations; that she has had built a government house on which the British flag has been and is constantly hoisted; that a church and school-houses are being constructed; that in October last a small war steamer was there; that a revenue-cutter often runs on the track between Amacuro and Barima; and that they have begun to form on the same spot an agricultural colony.

Even in the denied assumption that those places were a part of the disputed territory, Great Britain might not have occupied them without violating the above compact. And if, in spite of every thing, she occupies them, with still greater reason they should be reoccupied by Venezuela, relieved as she is from any obligation on the ground of its infraction by the other contracting party and being as she is fully conscious of her undebatable right of property.

The President said likewise that the concessions to the Manoa Company could not have given to Great Britain a just ground of complaint, as, according to their unequivocal terms, they only extended as far as "British Guiana," that is to say, as far as points not contentious, and moreover that the contract on the subject had expired.

On the above statement and on the strength of an application made by the British Legation, with the utmost instancy, in an official note to this Ministry, of May 26th, 1836, for the erection of a Beacon at the Barima point, thus recognizing *motu proprio* the incontestable sovereignty of Venezuela over the same, the President added that he was going to send there an engineer instructed to erect the Beacon, and new officers to exercise authority for the Republic in said place and in those lying between the rivers Barima and Amacuro, and to notify to the foreign occupants their withdrawal from them. And he ended by saying that, if the Government of Her Britannic Majesty would occupy such a point as Barima, the possession of which would render it joint proprietor of the Orinoco, and decide in this manner by itself and in its favor this, for Venezuela, the most grave question, wresting from her by force the exclusive domain of that river, and presenting thus to her an indubitable *casus belli*; he should be compelled by the requirements of patriotism and by his high duties as the guardian of the territorial integrity of Venezuela, to break up the relations between the two countries.

The President has instructed me to write this note, in order that Your Excellency may communicate to me the information and antecedents you may know of in regard to so unheard of and almost incredible occurrences.

I renew to Your Excellency the assurances of my high and distinguished consideration.

(Signed). — DIEGO B. URBANEJA.

His Excellency F. R. Saint John, Her Britannic Majesty's Minister Resident,
& & &

British Legation.—Number 118.

Caracas, November 18th 1856.

Señor Vicente Lecuna, Secretary of State for Foreign Affairs of Venezuela etc., etc., etc.

On the 3rd of April last, the undersigned, Her Britannic Majesty's Chargé d'Affaires, had the honour of showing to Mr. Fernando Olavarría, then Secretary of State for Foreign Affairs of Venezuela; in original, a report which on the previous day the undersigned had addressed to Her Majesty's Principal Secretary of State for Foreign Affairs, stating the character and object of a propaganda of falsehood and calumny in regard to the conduct and policy of the British Government in the boundary question between Great Britain and Venezuela; and at the same time the undersigned acquainted his Lordship with the steps he had taken to contradict the rumours which were mischievously being spread in Venezuela, that Great Britain intended to claim the Province of the Venezuelan Guiana.

Those steps were to assure the Venezuelan Government that all that the propaganda had divulged on this was false, and to send to the Venezuelan Government a copy of a dispatch which on the 20th of the preceding March he had addressed to Kenneth Mathison, British Vice-consul at Bolívar; in which dispatch, after stating what the course and conduct of Her Majesty's Government in this matter had been in reality since November 1847, he declared formally that the intentions which with the manifest purpose of serving the private interest of certain well-known individual, and the political schemes of the propaganda, had been imputed since 1843 to Her Majesty's Government, were not only wholly and absolutely destitute of the least foundation, but were precisely the reverse of the truth.

A copy and translation of that dispatch to Mr. Mathison were published by the Venezuelan Government in the *Official Gazette* of Venezuela N^o 981; and under date of the 13th of May last, Her Britannic Majesty approved of the conduct of the undersigned on this subject.

The undersigned begs to observe here that on the 5th of April he read in translation to His Excellency the President the above report to his Government, the original of which, as he has already said, he had shown on the 3rd of that month to Mr. Olavarría, who reads English.

On the 13th of the same month of April, the undersigned thought it his duty to transmit to His Government extracts of letters which Viceconsul Mathison addressed to him from Bolívar under date of 2, 8, 18, 22 and 30 of March, saying that orders had been communicated to the authorities of the Province of Guiana to place it in a state of defense, and to repair and arm the dismantled and abandoned forts, and that Governor José Tomás Machado had spoken of raising a fort at Point Barima, the right of possession to which is in dispute between Great Britain and Venezuela.

The undersigned thought it likewise to be his duty to communicate to his Government the introduction in the House of Representatives

of a bill recorded in number 62 of the *Diario de Debates* (Journal of Debates), authorizing the Executive Government to construct at once a fort on the point serving as boundary between Venezuela and British Guiana, without however naming this point, thus authorizing the Executive Government to commit *de facto* an aggression and usurpation on the territory in dispute between the two countries, by the construction of a fort on any point which Venezuela may claim, although Great Britain may also claim the lawful possession of that point.

The tone and language employed towards Great Britain in the course of the debates on this bill, which the undersigned will not stop to characterize, left no reasonable foundation to doubt of the imminence of the danger to which British rights would be exposed in the event of the bill becoming law.

However, the undersigned made known with pleasure to his Government, the friendly assurances which he received from His Excellency the President and the judicious conduct the latter observed in fact, and likewise that the bill has not yet become a law.

But in relation to the existence of a propaganda to mislead and excite public opinion in Venezuela concerning the boundary question between British Guiana and Venezuela, and the consequent possibility of aggressions and usurpations on the part of the authorities of Venezuelan Guiana on the territory in dispute between the two countries, Viscount Palmerston, under date of June 15th, transmitted to the undersigned for his knowledge and guidance a letter which his Lordship has addressed to the Lords Commissioners of the Admiralty notifying to them the Queen's injunctions in regard to the orders to be given to the Vice-Admiral commanding Her Majesty's naval forces in the West Indies as to the course he is to pursue, if the Venezuelan authorities construct fortifications in the territory in dispute between Great Britain and Venezuela.

The undersigned has also been instructed to call the serious attention of the President and Government of Venezuela to this question and to declare that while on the one hand Her Majesty's Government have no intention to occupy, or encroach upon, the territory in dispute, on the other hand they will not see with indifference the aggressions of Venezuela upon that territory.

The undersigned has been instructed furthermore to say that under these circumstances Her Majesty's Government expect that positive instructions will be sent to the Venezuelan authorities in Guiana to refrain from taking measures which the British authorities might justly regard as aggressive; for such measures, if taken, would forcibly lead to a collision which Her Majesty's Government would deeply regret, but for the consequences of which, whatever they might be, Her Majesty's Government would hold the Government of Venezuela entirely responsible.

The Venezuelan Government, in justice to Great Britain cannot mistrust for a moment the sincerity of the formal declaration which is now made in the name and by the express order of Her Majesty's Government, that Great Britain has no intention to occupy, or encroach upon, the territory in dispute; therefore, the Venezuelan Government,

in an equal spirit of good faith and friendship, cannot refuse to make a similar declaration to Her Majesty's Government, namely, that Venezuela herself has no intention to occupy, or encroach upon, the territory in dispute.

The systematic perseverance with which since 1843 the propaganda has fabricated and circulated false rumors in regard to the conduct and policy of Her Majesty's Government in what concerns the Venezuelan Guiana, among other mischievous effects, has produced that of serving the ends of that propaganda, and keeping alive an insane spirit of distrust and puerile credulity as to all the frivolous rumours respecting this boundary question, thus exposing the amicable relations between Great Britain and Venezuela to be at any moment interrupted, by a collision between both countries arising out of any sudden and perhaps unauthorized aggression on the part of the local authorities of Venezuela, whether committed by constructing forts, or by occupying and encroaching upon the territory in dispute.

Her Majesty's Government, as above stated, will not order or sanction such occupations or encroachments on the part of the British authorities; and if at any time there should be any error about their determination in this respect, the undersigned is persuaded that they would willingly renew their orders on the subject; he is then satisfied that, in accordance with the friendly suggestions of Her Majesty's Government, the Government of Venezuela will not hesitate to send to the Venezuelan authorities positive orders to refrain from taking measures which the British authorities may justly consider as aggressions.

On the 14th and 15th ultimo the undersigned communicated privately to Mr. Vicente Lecuna and to His Excellency the President the instructions which Viscount Palmerston had given him; and then he explained fully the friendly considerations which had prompted him not to communicate their contents to the Venezuelan Government when he received them on the 18th of last July and to continue to put off their formal communication in writing, till a fitting opportunity presented itself.

It seems that both His Excellency the President and Mr. Lecuna appreciated in all its value the friendliness of this proceeding.

However, being of the opinion, agreed upon in the interviews which he held with Mr. Lecuna on the 15th and 16th instant, that the opportune moment for making that communications has arrived, he has lost no time to state those instructions in this note.

The undersigned avails himself of this occasion to renew to Mr. Lecuna the assurances of his distinguished consideration.

[Signed].—*Belford Hinton Wilson.*

TRANSLATION

Republic of Venezuela.—Department of Foreign Affairs.

Caracas, December 20eth. 1850.

The undersigned, Secretary for Foreign Affairs of Venezuela has had the honor of receiving and presenting to the Executive Power the note of the Chargé d'Affaires of H. B. M. dated on the 18th ultimo, the object of which is to contradict the rumors which have spread in Venezuela, with reference to Great Britain's intention of taking possession of Venezuelan Guiana, stating the steps which he has taken to that effect and of which he has advised the Government; declaring in the name of his Government that the latter has no intention whatever of occupying or encroaching upon the territory in dispute between the two countries, and he requests a similar declaration from the Venezuelan Government asking them to instruct their authorities in Guiana not to take any measures which might be justly considered as aggressive by the British authorities, and stating the reasons that had induced him to delay making this communication.

The undersigned has been instructed by His Excellency the President of the Republic to give the following answer: The Government never could be persuaded that Great Britain, in contempt of the negotiation opened on the subject and of the alleged rights in the question of limits pending between the two countries, would want to use force in order to occupy the land that each side claims: much less after Mr. Wilson's repeated assurances, which the Executive Power believes to have been most sincere, that those imputations had no foundation whatever, being on the contrary quite the reverse of the truth. Fully confident of this, and fortified by the protest embodied in the note referred to, the Government has no difficulty in declaring, as they do declare, that Venezuela has no intention of occupying or encroaching upon any portion of the territory, the possession of which is in controversy, neither will she look with indifference upon a contrary proceeding on the part of Great Britain. They will furthermore instruct the authorities of Guiana to refrain from taking steps which might clash with the engagement thereby made by the Government and might give rise to fatal consequences, as Mr. Wilson affirms has been done, and in case of need will be willingly done again with regard to the authorities in British Guiana. In conclusion I may add that the Government fully appreciates the motives which have led Mr. Wilson to abstain from at once carrying out the instructions which he has received on the subject.

The undersigned, seizes this opportunity to renew to Mr. Wilson the assurances of his distinguished consideration.

(Signed).—*Vicente Lecuna.*

To Mr. Belford Hinton Wilson, H. B. M. Chargé d'Affaires,

COPY

British Legation.

Caracas May 26th 1836.

Sir.

From a recent correspondence I have held with His Majesty's Consul in Angostura, I have to request the *serious attention* of the Executive to a Representation I am about to make, relative to the more safe navigation for vessels on entering the Principal Mouth of the Orinoco, situated to the South West of the Island of Trinidad. Being particularly induced to address the Government on this subject, in consequence of the very imminent dangers vessels are exposed to, not only for want of *proper land and water marks, to guide* them, but likewise on account of the *inefficient state of the Pilot* Establishment on the Island of Pagayos, a considerable distance up the river.

In proof of the results, from what I have just mentioned, allow me to state, that on the 7th. of January last the British Brig "*Coriolanus*" coming from St. Thomas to Angostura, ran on shore a little to the leeward of the Grand Mouth of the Orinoco; and totally for want of a *Beacon to point out the proper entrance*. Every effort was made on the part of the Master and Crew, assisted by some Indians, to get her off, but without success. She soon bilged and became a wreck. On the 29th. she was totally abandoned, and on the 6th. of February, the Captain and crew reached Angostura; when he duly reported his misfortune and the *cause of it*, to the British Consul in that city.

A second circumstance of the like nature (from similar causes) took place but a very few weeks afterwards—namely—The British vessel "*The Sir Walter Scott*" bound outwards, with a cargo of cattle for use of the troops in the English Colonies, ran aground (and for want of a Pilot) in crossing from the point of Crab Island to Cape Barima; where she remained in the greatest distress during three days, The Consul in reporting this circumstance to me, adds: "Here is an additional instance of ruinous tendency, arising out of "the present imbecile Pilot System of the Orinoco, and although the "misfortune was known at the Station of the Pilots in Pagayos, no "assistance whatever was rendered. The vessel and cargo must have "sustained considerable injury, the particulars of which I have not "yet had, as the Captain, the moment he got off, proceeded on his "voyage." Let me here refer you for the present, to the enclosed copy of a letter addressed to the Governor of the Province of Guiana by the Consul, in illustration of the great neglect, as also disobedience to the Pilot regulations.

From what I have already said, it becomes my official duty to represent to the Executive of this Republic, the indispensable necessity (and that without further delay) of placing a conspicuous Beacon on Cape Barima, the point forming the Grand Mouth of the Orinoco to the S. S. East, where I am given to understand it could be done with the greatest facility, and to the greatest advantage. This object would effectually prove a sure mark, as also safe-guard to all vessels seeking for the proper entrance into this vast River: and it becomes

the more to be required, from the great difficulty experienced by all Navigators in finding the entrance, as the coast presents the *same appearance* for many leagues together; and at this day, has *not a single mark to denote it*. The Island of Cangrejos forms the other side of the Great Mouth, situated at a distance of about eighty leagues from the Cape, to the W. N. West whose dangerous sand-banks reduce the only navigable channel, to scarcely three miles in width, which commences on passing the Bar (just without Cape Barima), soon becoming difficult and intricate; particularly so, after ascending for about three leagues, where the channel frequently changes its course, on account of the shifting sands. In fact it cannot be denied, but that the whole navigation up to the Island Pagayos (eleven leagues from the cape) is extremely dangerous and uncertain, requiring to be well surveyed and carefully sounded, by someone thoroughly acquainted with that part of the Orinoco, and its probable casualties. Buoys ought to be forthwith laid down, *at those particular points, which either mark the channel or shew where sand banks or sunken rocks lay*, both being numerous; impeding the Navigation, and increasing the dangers of the River to the great risk of lives and property.

The next subject of my Representation, regards the actual, and I may say, almost useless system of the Orinoco Pilotage. I am well aware that a Pilot Boat *was intended to have gone out every day from Point Barima* to cruise for vessels bearing towards the entrance of the River, but a shameful want of proper arrangement, attended by neglect, *rendered abortive* this wise and well intended plan, on the part of the Department of Marine. *And it does not exist at this day*. The only Pilot Station on the Orinoco is at the Island of Pagayos, forty miles distant from the entrance at the Great Mouth of the River. And it appears very clear, that great difficulties and perils must be encountered in reaching it.

From the amicable bearing at all times manifested by this Government in its Foreign Relations, not only political but commercial, assures me that it is vividly alive at all times to whatever may either augment that friendly feeling, or increase the mercantile prosperity of the country. *Under this firm belief*, as well as from a sense of my duties in watching over that of my own country, I therefore seize the present occasion in endeavouring to *impress on the Executive, the imperious necessity of promptly taking stable and energetic measures in the regulation of that which is of such vital importance to the growing Trade of Angostura*; whose increase or diminution cannot but very materially affect that of the whole of the neighbouring Provinces of the Republic, and consequently, influence the public Revenue. Allow me to add (as materially connected with the subject in question) being a well known fact, that not only in England, but in many of her Colonies, the merchants are afraid to speculate, or even send their vessels to the Orinoco, in consequence of the dangers to which both property and life is exposed, from the causes I have already set forth. Thus corroborating what I have stated, touching the total abandonment in which the navigation of the Orinoco at present is

left. Indeed, so deep is the impression of risk on the British Mercantile mind, that at Lloyds in London *no Insurance can be effected to that River, without a very considerable advance on the Premium, and in many Places not at all.*

His Majesty's Consul at Angostura (as the preceding enclosure would shew you) found it his indispensable duty, to call the observance of the Governor of the Province of Guiana to the subject I now write upon; under the full hope that he might be able by his authority and remonstrance, to check in future the pursuance on the Orinoco, of a system truly prejudicial to the interests of individuals as well as to the general commerce. I have had the honor of just laying before you, that gentleman's Oficio to the Governor which, together with his answer, as also other documents connected with the present Representation, were forwarded to me, mentioning at the same time, that such had duly been sent officiala to his Government for its knowledge and guidance. These papers I cannot doubt, will further shew the Executive, how absolutely useless the present Pilot Establishment is, on the Island of Pagayos, being rather detrimental than advantageous to the intent and views of the Legislature; hence demanding a most radical reform, in some way or other.

Before I close this Despatch, I must once more repeat my solicitude, that the Minister of the Marine be directed *to investigate and correct the abuses which have frustrated the good intent of the Government, and that Department*—and likewise that He be directed to attend to the recommendation I now have the honor of making, by placing a proper Beacon on the Barima Cape, as also the appropriate Buoys in the Orinoco for the safer navigation of it, so that I may be enabled in a very short time [and I trust the urgency will be seen] to have the satisfaction of officially communicating to His Majesty's Principal Secretary of State for Foreign Affairs [for the information of the Merchants interested at Lloyds], the measures that have been taken by this Government, *rendering the Great entrance to the Orinoco perfectly perceptible; as also the navigation of the River up to Angostura perfectly safe.*

I have the honor to remain, Sir, with the highest consideration, your most obedient, humble servant.

[Signed].—*Robt. Ker Porter.*

The Honorable Señor José E. Gallegos, etc., etc., etc.

COPY.

British Legation.

Caracas, December 9th, 1886.

Señor Ministro:

I have had honour to receive Your Excellency's note of the 7th instant, in which, by order of the President, you record that which in substance was stated by His Excellency, at our interview of the 6th instant, on the Guiana frontier question, and in which you invite me to

furnish you with any information I possessed in regard to certain alleged proceedings on the part of British authorities in Guiana,

I beg to state in reply that the President having declined before resorting to the occupation of a part of the disputed territory, to await the result of my reference of his intention to Her Majesty's Government, I fail to see how compliance with Your Excellency's request or continuance of the discussion by me can now answer any useful purpose.

But I must, nevertheless, in order to avoid error, remark on two points treated in your note—firstly, that the territory lying between the rivers Barima and Amacuro, which is affirmed by Your Excellency to be only now claimed by Her Majesty's Government, was already mentioned in Lord Aberdeen's note of March 30th 1844 to Señor Fortique as forming part of British Guiana—and secondly, that the request of the 26th of May 1836 by the British Agent at Caracas to the Venezuelan Government that they should erect a lighthouse at Barima Point appears from my thorough search in the archives of this Legation to have been addressed to the Venezuelan Government without any knowledge or authority of the British Government to whom it was never even reported by the Agent—and to have been made solely at the suggestion of certain merchants of Ciudad Bolivar who were interested in the removal of danger in the navigation of the Orinoco River.

If Your Excellency will be good enough to refer to a communication made on the 26th of September 1851 by this Legation to the Venezuelan Government by order of Her Majesty's Government, you will find it there stated, with reference to another subject, that such a doctrine as that a Government is bound by every act or word of its Diplomatic Agent is entirely at variance with International Law; it being perfectly well known that even a formal Treaty concluded and signed by a Plenipotentiary is not valid unless it shall have been duly ratified by the Government of such Plenipotentiary.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

[Signed].—*F. R. St. John.*

His Excellency Dr. Diego B. Urbaneja etc., etc., etc.

Department of Foreign Affairs.

Caracas January 8th 1887,

Sir.

I have had the honor of receiving Your Excellency's note, dated on the 9th of last month, in answer to the request made by the Government to your Legation, to kindly furnish them with any information and antecedents you might possess on certain acts of British authorities.

The President of the Republic, to whom I read said answer, has instructed me to say to Your Excellency that he deeply regrets that the friendly spirit which moved him to apprise Your Excellency

of the news he received and of his intention to send out an Engineer and new officials to Barima, Amacuro and other places, should have been ineffectual. Your Excellency refuses to give an explanation which might, perhaps, have modified that purpose, either in its principle or in the time of its execution, for which reason His Excellency has intrusted me to say here that at all times, the interview held on the 6th ultimo, at his own request, and the note sent to Your Excellency by this Department, in which all that took place in said interview is summarily stated, will be a proof of the loyal frankness and of the conciliatory wishes in this matter of the Chief of the Venezuelan Nation.

I would confine myself on this occasion to the preceding statement, if Your Excellency had not added two remarks, notwithstanding your declaration not to accede to what had been requested from you, nor to continue the discussion on your side, because those two remarks call for an explanation.

In the first place Your Excellency contradicts my assertion, regarding the territory situated between rivers Barima and Amacuro, alleging that this territory had already been mentioned in Lord Aberdeen's note of the 30th of March 1844, to Mr. Fortique, as a part of British Guiana.

Venezuela has never admitted, neither will she ever admit, that Dutch Guiana bounds upon the Orinoco; and this is proved by the text of the note with which Mr. Fortique opened the negotiation on limits, by the previous ones in which he demanded the removal of the flags, posts and marks placed at Barima and other places by Engineer Schomburgk in 1841, and by the conferences he held on the subject with Their Excellencies the Ministers of Foreign Affairs and of the Colonies. It was precisely the placing of these marks of foreign dominion at the places mentioned, to which Great Britain had no right, that created such a sensation in Venezuela, and caused the sending of Messrs. Lic. José Santiago Rodríguez and Juan José Romero to Demerara, in the character of Commissioners, to demand an explanation of those surprising facts. In a note dated 11th of December 1841 Lord Aberdeen wrote to Mr. Fortique that the marks had been placed as a means of preparation by his Government for the discussion of the boundary question with the Government of Venezuela; that they were placed precisely with this object and not, as Venezuela seemed to fear it, with the intention of indicating dominion or empire on the part of Great Britain. Lord Aberdeen added that he had learnt with pleasure that the two Commissioners sent by the Republic had been able to ascertain, through the information given them by the Governor of said Colony, that Point Barima had not been occupied by the English authorities.

The usurpations which Spain made legal by the Munster-Treaty were those concerning the Colonies of Essequibo, Demerara, Berbice and Surinam, and was afterwards confirmed by the Extradition Treaty made at Aranjuez, in which Your Excellency may see that the Dutch Colonies of Essequibo, Demerara, Berbice and Surinam, together with Curaçao and Saint Eustace are mentioned in

juxtaposition with the Spanish Colonies of the Orinoco, Coro and Porto-Rico. Of these Colonies the Netherlands transferred to H. B. M. by the London Treaty of 13th of August 1814, those of Essequibo, Demerara and Berbice. Whence comes, then, the right of England over the Spanish Colonies of the Orinoco?

The second remark made by Your Excellency is to the effect that he British Agent in Caracas, that is, Sir Robert Ker Porter, who in 1836 was the British Chargé d'Affaires in this Republic, requested from this Government the erection of a light-house at Point Barima, without the knowledge or the consent of his Government; and Your Excellency adds, quoting a note from the British Legation to this Department, dated on the 26th of September 1851, that the doctrine that all acts or words of a diplomatic Agent bind his Government, is incompatible with International Law, it being a well-known fact that not even a Treaty made by a Plenipotentiary is valid unless ratified by his Government.

On those points the President has instructed me to state that the Government of Venezuela cannot admit that, after the long period of fifty years has elapsed since the date of Sir Robert's communication, the British Government, having been informed by him or his successors of the step he took, should not have apprised that of Venezuela of the lack of authorization which Your Excellency, on account of what has happened, communicates to-day for the first time, after fifty years have elapsed, and which nothing could make this Government presume upon.

I beg to renew to Your Excellency the assurances of my distinguished consideration.

(Signed).—DIEGO B. URBANEJA.

To His Excellency F. R. St. John, H. B. M. Minister Resident, etc., etc., etc.

British Legation.

Caracas January 19 1887.

Señor Ministro.

I have the honor to acknowledge the receipt of Your Excellency's note of the 8th instant on the subject of my interview of the 6th ultimo with the President of the Republic and must express to you my astonishment at one of the statements it contains, namely, that it was owing to my neglect to furnish explanations regarding certain alleged proceedings on the part of British Authorities in Guiana and my refusal to enter upon a discussion of the question generally that the President was induced to persist in his intention to occupy Barima Point by erecting there a light-house.

Permit me, Sir, to state briefly my recollections of the main features of the interview in question.

The President commenced by saying he had received news of the gravest kind that British authorities were in actual occupation of the territory lying between the Barima and Amacuro rivers, territory which

His Excellency alleged—and I denied—belonged to Venezuela and had never been disputed and he asked me to explain such conduct. To this I replied, that I was unable to do so for the reason that I had until that moment not heard a single word on the subject of the alleged occupation and I suggested that perhaps there might have been one of the usual police expeditions in pursuit of criminals.

His Excellency then proceeded to inform me that he intended immediately to occupy Barima Point by erecting there a light-house and he should, he continued, instantly break off relations with Great Britain if opposed.

Your Excellency will doubtless recollect that at this stage of the interview I ventured to remonstrate with the President on his determination to precipitate matters and I asked for time in order to communicate by telegraph with Her Majesty's Government and await an answer. But His Excellency refused on the ground, he said, that he had determined to bring this long pending question at once to an issue—and on my asking at the termination of the interview if he authorized me to telegraph to Her Majesty's Government in the sense of what he had just stated, His Excellency answered in the affirmative.

Your Excellency will also recollect that on the following day I called at the Department where I was received by yourself and Señor Seijas—that I besought you to speak with the President and induce him to reconsider his decision—offering to keep back for twenty four hours my telegram to Her Majesty's Government which I did accordingly—but to no purpose and so my message to England was at last dispatched.

I trust Your Excellency will now perceive not only how impossible it was to supply the information asked for, but how difficult it would have been for me, consistently with my duties, to have entered unauthorized by my Government upon a discussion of a question the aspect of which has so entirely changed by this new and unexpected resolve on the part of the President of the Republic.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(Signed).—*F. R. St. John.*

P. S.—Your Excellency mentions in the second paragraph of your note under acknowledgement the sending of *new* functionaries to Barima etc. I shall be obliged if Your Excellency will inform me when such functionaries were sent there on former occasions and how long they remained.

F. R. St. J.

His Excellency Doctor Diego B. Urbaneja, etc., etc., etc.

TRASLATION

Caracas January 15th 1887*To the Minister of Forcing Affairs.*

In fulfilment of the Commission which on the 8th of the past month the President of the Republic was pleased to entrust to me through you, I sailed from the harbor of La Guaira on the man-of-war *Centenario* for Barcelona.

The next morning at 8 o'clock I touched at this port, simply with the object of delivering to the Commander of the Garrison the equipments sent to him by the Minister of War, and at 10 o'clock proceeded on my journey towards Trinidad.

On the 16th at two o'clock in the afternoon we cast anchor in Port of Spain, and, together with the Venezuelan Consul there, I immediately proceeded to take in the provisions of coal and oil that were needed in the ship and to get a pilot for the navigation of the Orinoco.

Ad midnight we sailed for Bolivar through Branch Macareo.

I arrived in Ciudad Bolívar on the 19th at 5 o'clock in the afternoon, and without loss of time proceeded to communicate with Mr. Juan Bautista Dalla-Costa and General Santiago Rodil in order to form the Commission in accordance with the instructions I had received.

The 20th, 21st, and 22nd days of the month I spent in Bolívar in conference with the aforesaid gentlemen and in collecting information, obtaining plans and taking note of the persons practically acquainted with the places that were to be surveyed.

Two acts, signed by the three members of the Commission, were drawn and may be seen in the process-verbal annexed to the present note.

On the 22nd at 6 o'clock in the evening the river-steamer *Libertad*, which by order of the Minister of War had been placed at the disposal of the Commissioners, sailed from said City, with instructions to wait for orders at Curiapo.

General Santiago Rodil and I sailed in the morning of the 23^d, at half past six on board the *Centenario*, Mr. Dalla-Costa having excused himself from accompanying us, on account of ill-health.

On arriving at Curiapo the next day, the 24th, at a quarter past one in the morning, the Commissioners went on board the *Libertad*. The *Centenario* was instructed to go and cast anchor at Point Barima, and wait there, while at the same time the *Libertad* sailed towards the mouth of River Amacuro in order to enter it.

We entered this river at half past twelve in the afternoon and sailed up to a settlement which has been formed on both banks of it, not very far from the mouth.

The Commissioners took depositions from several inhabitants, from which it may be seen that the English have fixed upon the right bank of this river Amacuro as their limit with Venezuela, and that they exercise authority on said bank, where the Commissioners found two English Constables, and a wooden house with a thatched roof erected

by the Government of British Guiana to serve as a public office. All this is mentioned in the acts drawn by the Commissioners on the spot.

On the following day, the 25th of December, we left River Amacuro, heading for Branch Barima.

Before I continue this report, and for the better understanding of what I shall state therein, allow me, Mr. Minister, to point out an error existing in Codazzi's map of Venezuela, which he doubtlessly copied from maps which had been previously published, and others have copied from him.

A large portion (fifty miles from the mouth towards the East) of what is shown under the name of River Barima on the aforesaid map of Codazzi, together with what is called therein Branch Morajuana (which is only five miles long) forms a branch of the Orinoco towards the East, on its right bank similar to branch Macareo poured by the great river on its left bank towards the North. I call then Branch Batima that fluvial portion which is one of the mouths through which the Orinoco pours its waters into the Ocean; and Barima Island, formed by that branch and the sea, is one of those that constitute the immense Delta of the grand River, which embraces the space comprised between the mouth of River Waini and the mouth of Branch Vagre.

The real River Barima which has its source at the foot of the Imataca hills on their Eastern side and runs in a great measure from the West to the East, turns then to the North and joins River Aruca, and the waters of both proceed to pour into the aforesaid branch Barima.

This Branch Barima is very broad, clean, has not very large turnings and mostly all of it has a depth of more than twenty metres.

I only saw three farms or *conucos* on this branch.

We entered River Aruca at half past three and an hour after we cast anchor opposite to the settlement which has been formed on both banks of this river. This settlement is the most considerable one which we noticed in all that territory, having a population of more than two hundred souls.

The Government of the neighboring English Colony exercises authority there through a Rural Constable who collects taxes and prohibits the commerce of rum and tobacco, as is stated in the act drawn by the Commissioners on the spot.

We left Aruca at 6 o'clock in the evening in order to pass the night at anchor at the mouth of branch Morajuana, which we entered the next day, the 26th, at a quarter past five in the morning, going over it in one hour, until we reached the great mouth of the River Waini; immediately continuing to go up said river, which is of the utmost importance, until half past two in the afternoon, when we arrived at a place called Cucurital, where there are two Venezuelan *conucos* (farms).

At a quarter to four we resumed our journey up the river and at half past four passed before the mouth of Branch Paramán, which, on the East, pours into River Moroco.

I call special attention to this branch, as it is through it that com-

merce is carried on between Demerara and the settlements which had been visited previously.

We sailed until seven o'clock in the evening, at which hour, it being very dark, we made fast to the shore, to continue our journey next day.

On the 27th at half past five in the morning the journey up the Waini was resumed, until seven in the morning, at which hour we arrived before the settlement called Cuabana, composed altogether of Guaica indians. This settlement may have about eighty inhabitants who live in ten ranches, governed by a protestant missionary, who has erected there a hut to serve as a church and at the same time as a school. The Commissioners drew an act at this place in which are mentioned all the circumstances which have been observed in regard to the matter entrusted to them.

As stated in the annexed process-verbal, the Commissioners, at all these settlements, publicly proclaimed that all those territories belong to Venezuela and not to Her Britannic Majesty, and protested against all acts of authority exercised by the Government of the neighboring Colony, they being acts of obvious usurpation.

The Commissioners on returning to Point Barima, stopped at the settlement of Morajuana, which is composed of nine ranches giving shelter to sixty inhabitants.

At all the settlements mentioned the Commissioners appointed Police Commissaries to represent there the authority of Venezuela.

The morning of the 29th was employed in going down to Point Barima in order to survey the spot where the light-house is to be erected, at which spot the crew of the *Centenario* had already spent two days in clearing the woods, according to my instructions, to facilitate said survey.

On the preceding night the steamer *Libertad* had been sent back to Bolívar, and at nine o'clock in the morning of the 29th the Commissioners sailed for Georgetown on board the steamer *Centenario*.

On the 31st of December, at half past two o'clock in the afternoon, we cast anchor in the river Demerara, off Georgetown.

On the following day, the first of the year 1887, the Commissioners addressed to the Venezuelan Consul in Demerara the note, copy of which will be found in the annexed process-verbal, for him to communicate it integrally to the Governor of the Colony.

The present Consul, Mr. Andrade, had not yet received his Exequatur as such, and it was necessary to take some preliminary steps to have the Government of the Colony recognize him provisionally as Consul, to enable him to transmit the note of the Commissioners.

On the 7th of January Mr. Andrade delivered to the Commissioners the answer of the Government of British Guiana, the original of which is joined to the annexed process-verbal.

Having received this conclusive answer from the Governor of Demerara, in which it is stated that Her Britannic Majesty's Government has declared as part of the territory of British Guiana all of the extensive territory comprised within the fanciful boundaries marked out by Schomburgk as well as the Essequibo, which is by right the

frontier of Venezuela, the Commissioners considered their work at an end, as with this last step they had carried out all the instructions which were communicated to me on the 8th. of December last by the Department in your charge.

On the 8th. of January, at eleven o'clock in the morning, we sailed from Demerara and at half past six in the morning we arrived in Port of Spain where the Commissioner, General Rodil, went on board the *Bermúdez* in order to return to Bolívar.

On the following day, the 11th. of January, at half past twelve in the afternoon, we sailed from Port of Spain, and on the 13th. at half past two in the morning we cast anchor in the harbor of La Guayra.

For the better understanding by the Government in the reading of this report and the annexed process-verbal, I subjoin also a map which I have drawn of the oriental part of Venezuela.

I trust that the Illustrious American, President of the Republic and the Minister of Foreign Affairs, will notice that I have spared no efforts to carry out in the best possible manner the delicate, and thereby most honorable Commission that was entrusted to me.

I am, Mr. Minister, your most obedient servant.

(Signed).—*Jesús Muñoz Tebar*.

ACT N^o 1

Doctor Jesus Muñoz Tebar, and Messrs. Juan Bautista Dalla-Costa and Santiago Rodil having assembled at Ciudad Bolívar, at 8 o'clock in the morning of the 20th. of December in the year one thousand eight hundred and eighty six, the first named handed to the second and the third respectively, the notes sent to them by the Minister of Foreign Affairs dated on the 8th. of this month, by which they were appointed Commissioners at Amacuro and Barima, together with the first named.

Doctor Muñoz Tebar then proceeded to read the instructions given him by the Minister of Foreign Affairs on that same date, to wit, the 8th. of this month, and also communicated the verbal instructions which he had received from the President of the Republic in a conference held on the seventh.

Mr. Juan Bautista Dalla-Costa then stated that on account of the serious alteration of his health, it was impossible for him to accept an active part in the Commission; but he would transmit to the other two Commissioners all his opinions and information on the subject.

Mr. Santiago Rodil stated that he accepted the Commission and in consequence took before Doctor Muñoz Tebar, delegated to that effect by the Minister of Foreign Affairs, the legal oath to faithfully and exactly obey the Constitution and laws of the Republic and fulfil the special duties of this Commission.

Another meeting was decided upon for that same day at two o'clock in the afternoon when the several maps and plans of the places to which the Commission refers will be laid before the Commissioners, and to

which Captain Ricci will be invited to attend, he being practically acquainted with the navigation of said places and possessing special information in the matter to which the Commission refers.

And the meeting was adjourned.

(Signed).—*Jesus Muñoz Tebar.*

(Signed).—*Juan Bautista Dalla-Costa.*

(Signed).—*Santiago Rodil.*

ACT. N^o 2.

Doctor Jesus Muñoz Tebar and Messrs. Juan Bautista Dalla-Costa and Santiago Rodil having assembled at Ciudad Bolívar at two o'clock in the afternoon of the twentieth day of December one thousand eight hundred and eighty six, and Captain Antonio Ricci being also present, they proceeded to examine and study the several plans of the mouths of River Orinoco, in order to agree upon the best plan of operations that the Commissioners should adopt in order to carry out their instructions.

It was decided to take the small steamer *Libertad* to accompany the national steamer *Centenario*, which has come under the orders of the Commissioners, and to proceed with both vessels to the great mouth of the Orinoco, carrying Captain Ricci on board; to anchor the steamer *Centenario* at Point Barima, to go up the Amacuro River on the *Libertad*, then return to Point Barima, and land there in order to make the surveys necessary for the erection of the light-house; then to enter the mouth of the Barima, still on the *Libertad* and come out through that of the Waini, passing through Branch Morajuana; the steamer *Centenario* will wait at the mouth of the Waini; then to go up the Waini and return in order to proceed on the *Centenario* to Georgetown, Demerara, there to obtain the last information and documents that the Commissioners propose to procure.

Mr. Juan Bautista Dalla-Costa then stated that he thought it was of the utmost importance for the future decisions to be taken by the Government of Venezuela, by virtue of the facts that the Commission has to investigate, to find out with the greatest precision, the places where the present developments of gold mines are taking place, which have been authorized by the Government of British Guiana, as he thinks that they are being carried on in Venezuelan territory, and, as the Commissioners are going to Demerara where their duties will end, he thinks they should avail themselves of the fact of their having gone that far, for at least one of the two Commissioners to proceed to the spot where the gold mines are being worked, as

it is said, between Rivers Cuyuní and Puruní; which was approved by the Commissioners.

And the meeting was adjourned.

(Signed).—*Jesús Muñoz Tebar.*

(Signed).—*Juan Bautista Dalla-Costa.*

(Signed).—*Santiago Rodil.*

At the last minute Captain A. Ricci asked to be excused from accompanying the Commissioners.

(Signed).—*Jesús Muñoz Tebar.*

(Signed).—*Rodil.*

UNITED STATES OF VENEZUELA.

National Commission.

ACT N^o. 3.

The Commissioner sent by the National Government to Amacuro, Barima and other places, according to a Resolution of the Department of Foreign Affairs of the 8th of this month, sitting on the 24th of December 1886 at the settlement of Amacuro, at one o'clock P. M., have decided to summon citizens Roberto Wells, Alfonso Figueredo, N. N. Morgado and Aniceto Rumones, with the object of taking their depositions on matters regarding the object of the Commission.

(Signed).—*Jesús Muñoz Tebar.*

(Signed).—*Santiago Rodil.*

ACT N^o. 4.

Immediately thereupon, Citizen Roberto Wells, a Commissary of this settlement, appeared, and after being informed of the object for which he was summoned, he swore to tell the truth and declared: That it is true that in the month of January 1884 he was arrested at this same settlement by a Mr. Mc. Turk who stated that he was a magistrate of the neighboring English Colony: that he was taken to the Georgetown, Demerara, Gaol, where he remained two months while being tried by the Tribunals of Justice of said Colony: that in order to recover his liberty he had to pay the sum of twenty five dollars in which he was fined: that it is true that there are on the Eastern branch of the Amacuro, at this same settlement, two persons called Francis Núñez and George Jeffrie who style themselves Constables appointed by the Government of the neighboring English Colony; that they have erected a wooden house which serves as a public office: that the month before last, an English Magistrate, accompanied by several armed policemen, came to this settlement on board a revenue-cutter flying

The English flag and exercised acts of authority in said house or public office, over which the English flag was likewise hoisted. This deposition was read to him and he declared it to be correct, and he does not sign it because he does not know how, Citizen Ernesto Courlaender, Captain of the national steamer *Libertad* doing so for him and at his request.

(Signed).—*Jesús Muñoz Tebar.*

(Signed).—*Santiago Rodil.*

By request of *Roberto Wells.*

(Signed).—*E. Courlaender.*

Immediately thereupon Citizen Aniceto Ramones, a sailor on the rivers Orinoco, Amacuro, Barima and Waini, appeared, and after being informed of the object for which he was summoned he took the oath in the form prescribed by law and stated: That it is true there is a schooner called the *Transfer* which serves as a revenue-cutter for the Government of British Guiana, and that said schooner has come to this settlement on various occasions bringing on board an English Magistrate and armed policemen with the special object of trying, judging and deciding upon criminal and police cases, which acts he exercises as an English authority, in a wooden house with a thatched roof, which serves as a public office and is situated upon the Eastern bank of River Amacuro, at this same settlement and over which the English flag is hoisted: that whenever his sloop *Joven Modesta* comes in, a Police Constable who claims to have been appointed by the Government of the Colony in Georgetown, Demerara, comes on board to search the vessel and prohibits him from selling the merchandize which has been lawfully dispatched by the Custom-House at Ciudad Bolívar: that the same prohibition exists at River Barima for which reason he has to leave his cargo on the west shore of River Amacuro as he is not allowed to sail to Branch and River Barima except in ballast; that in order to allow him to trade on the right bank of the Amacuro and on River Barima he is required to take out a licence in the city of Georgetown that he knows also, that Citizen Roberto Wells, a Venezuelan Commissary, was arrested at this same settlement and taken to the Georgetown Gaol by an English Magistrate who came expressly from that city to arrest him. This deposition having been read to him he declared it to be correct and signs it with us.

(Signed).—*Jesús Muñoz Tebar.*

(Signed).—*Santiago Rodil.*

(Signed).—*Aniceto Ramones.*

Nex appeared a citizen who gave his name as Alfonso Figuereido, a Venezuelan, of the settlement of Amacuro, who being informed of the object for which he was summoned took the oath

prescribed by law and stated: That it is true that in the month of June of the present year the English authorities erected a wooden house with a thatched roof on the Eastern bank of the River Amacuro at this same settlement, to serve as a public office; that it is true that the Government of the English Colony in Georgetown, Demerara, appointed to be Constables on the Eastern bank of the Amacuro, Francis Nuñez and George Jeffrie, who exercise authority in this capacity; that said Constables levy taxes upon licences, without which they do not allow trade: that it is true that an English revenue-cutter has come from Georgetown, carrying on board an English Magistrate accompanied by armed policemen. This deposition having been read to him he declared it to be correct and signs it with us.

(Signed).—*Jesús Muñoz Tebar.*

(Signed).—*Santiago Rodil,*

(Signed).—*Alfonso Figueredo*

We certify that Citizen N. N. Morgado has not deposed, it having been impossible to summon him.

(Signed).—*Muñoz Tebar.*

(Signed).—*Rodil.*

ACT N° 5

On the same date the Commissioners decided to remove to the Eastern bank of the River Amacuro in order to ascertain for themselves the existence of the house which the witnesses Wells, Ramones and Figueredo had declared to have been erected to serve as a public office by the English authorities of the neighboring Colony, and to ascertain if Francis Nuñez and George Jeffrie, had really been appointed Police Constables by the Government of Georgetown. Having done so, the Commissioners found that a wooden house does really exist, which was erected by order and at the expense of the Government of the neighboring English Colony; and that two individuals, subjects, of Her Britannic Majesty, called Francis Stephen Neame and George Benjamin Jeffry (not Nuñez and Jeffrie as stated in the depositions of the witnesses) are in reality the Police Constables who have been appointed by a Magistrate of the English Colonial Government, who in consequence of our requisition, presented to us their credentials which are of the following tenor:

BRITISH GUIANA.—L. S.

PRECEPT

THE RURAL CONSTABLES ORDINANCE 1884

*To Francis Stephen Neame
of Amacuro River, British Guiana.*

I, Michael Mc Turk one of Her Majesty's Stipendiary Magistrates

in and for the Colony of British Guiana, do, under the Power and authority in me vested by the Rural Constables Ordinance, 1884, hereby appoint you,

Francis Stephen Neame

to be a Rural Constable, and I do issue to you (being duly qualified under the said ordinance to be so appointed) this precept authorizing you to act as a Rural Constable in British Guiana.

Given under my hand, this 6th day of September 1886.

Signed.—*Michael M^c Turk.*

Stipendiary Magistrate.

The Commissioners being desirous of obtaining a written answer in fulfilment of the orders of the Minister of Foreign Affairs, decided to address to the aforesaid Neame and Jeffry the following official note, to which was annexed the corresponding English translation :

United States of Venezuela.

Amacuro December 24th. 1886.

Messrs. Francis Neame and George Jeffry.

The undersigned having been commissioned by the President of the Republic to reorganize the commissaryships in the districts of Amacuro, Barima, and Waini, which form a part of the territory Delta, have been surprised with the news that you are exercising authority in this place by order and as the representatives of the Government of the neighboring Colony of British Guiana.

The territory comprised between the rivers Amacuro and Waini is Venezuelan and has never been considered under dispute with England, and therefore the action of appointing at these places official Agents of the English Colony is one of obvious usurpation, against which we protest in the name of the Government of Venezuela.

We hope that you will kindly inform us by what authority you have been appointed and from what date, and if you have received orders to oppose the Venezuelan authorities from exercising office in these territories.

We are your obedient servants,

(Signed).—*Jesus Muñoz Tebar.*

(Signed).—*Santiago Rodil.*

To this note the aforesaid Neame and Jeffry returned answer, the original of which is annexed marked by the letter A, and is as follows :

Amacuro River,
British Guiana.
December 24th. 1886.

Gentlemen:

The undersigned have received the official note dated the 24th of December 1886 requesting us to answer you about our appointment by the English Government of Georgetown, Demerara, and we have the honour to tell you in reality we have been appointed by Mr. Michael Mc. Turk one of her Majesty's Stipendiary Magistrates in and for the Colony of British Guiana to be a Rural Constable in British Guiana as you have seen it in the Precept signed by said Michael Mc. Turk which we have shown to you. We also inform you that the undersigned Francis Stephen Neame has been acting as Rural Constable since the 1st of March 1885 and the undersigned George Benjamin Jeffry has been appointed acting as Rural Constable since the 6th of September 1886 Constables in Amacuro River.

We have not received instructions to interfere with the Venezuelan authorities on the left shore and going down the Amacuro River but we have authority to prevent any Venezuelan craft from selling Rum or any spiritual liquer under British territories in which case any ship selling Rum without a proper licence given by our Government may be seized at any time.

We remain, Gentlemen your obedient servants.

(Signed).—*Francis Stephen Neame.*

(Signed).—*G. B. Jeffry.*

To Mr. Dr. J. Muñoz Tebar and Santiago Rodil.

In view of this answer and in fulfilment of one of the instructions received, the Commissioners made a public declaration before the inhabitants of this settlement, that the sovereign of these territories is Venezuela and not Her British Majesty.

(Signed).—*Jesus Muñoz Tebar.*

(Signed).—*Santiago Rodil.*

ACT N° 6

To day, the 25th day of December 1886, the Commissioners having resolved on proceeding to branch and river Barima in fulfilment of their instructions, ratified the appointment as Police Commissary of the Western bank of the Amacuro of citizen Roberto Wells who, for the past two years has filled this office to the satisfaction of the Government of Venezuela and appointed citizen Alfonso Figueredo Police Commissary of the Eastern bank of said river, i suing to both of them the respective commissions.

(Signed.)—*Jesús Muñoz Tebar,*

(Signed).—*Santiago Rodil.*

ACT N° 7

At a sitting on the same date and on board the national steamer *Centenario* anchored off Point Barima the Commissioners decided to appoint citizen Leon Silva as Commissary in the settlements lying on the Northern bank of branch Barima and citizen Pedro Farrera as Commissary in the settlements lying on the southern bank of the aforesaid branch Barima, to both of whom the respective commissions were issued.

Immediately thereupon the Commissioners decided to remove to the national steamer *Libertad* in order to explore branch Barima and enter the Aruca River.

(Signed).—*Jesús Muñoz Tebar.*

(Signed).—*Santiago Rodil.*

ACT N° 8

On the same day, the 25th of December 1886, at 5 o'clock P. M. the Commissioners held another sitting at the settlement of Aruca, lying on both banks of the river of the same name; and having been informed that there was at that place a Police Constable, appointed by authority of the Government of the neighboring English Colony, the Commissioners had him looked for. An inhabitant, Alexander Orderson by name, informed them that there is in fact at the settlement of Aruca an individual by the name of Harrington, who exercises authority as Police Constable, and was appointed by E. F. Jm. Thurn, who is a Justice of the Peace at Macarena on the River Pomaron; but that at present the aforesaid Harrington is absent, in Georgetown; that he has been in office for the past three months, at which time the murder of a *coolí* (a native of Hindoostani) took place; that the Justice of the Peace, Mr. Jm. Thurn came there expressly to try the murderer (an Indian called Samuel;) and eventually took him to Georgetown where he was sentenced by the Courts of Justice to five years imprisonment in the gaol of the Mazaruni.

In answer to a question of the Commissioners, as to whether the inhabitants did not know that these territories belonged to Venezuela, Mr. Orderson said that up to the time that several American gentlemen of the Manoa Company came there, all the inhabitants considered themselves in this place as upon Venezuelan territory, that after that time agents of the Government of the neighboring English Colony had informed them that this territory belongs to Her British Majesty: that he had mercantile relations on the Orinoco, but that the English authorities had prohibited the bringing of merchandize from Venezuela, for selling, especially rum and tobacco. This same information was confirmed by the inhabitants Pascual Moreno, Edward Harding and William Peters.

On account of its being a holiday the inhabitants of the place

had met in large numbers at the house of Mr Orderson, and the Commissioners availed themselves of this circumstance to notify them that Venezuela is the sovereign of the whole of this territory, and not Her Britannic Majesty; and that in consequence the Government of the English Colony had no right whatever to exercise acts of authority therein, the Commissioners protesting against such acts in the name of the Government of Venezuela.

The Commissioners then issued a warrant appointing citizen José Pascual Moreno Commissary in the settlement of Aruca on both banks of the river of this same name.

The Commissioners certify that at this settlement there is no public building erected by the English Government.

The Commissioners then decided to return to the mouth of branch Morajuana in order to continue their journey next day through this branch to River Waini.

(Signed).—*Jesús Muñoz Tebar*

(Signed).—*Santiago Rodil.*

ACT N^o. 9

The Commissioners spent the next day in passing branch Morajuana, which they entered at five o'clock in the morning and in going up the river Waini, passing by the settlements of Cucurital and the mouth of River Paramán in search of the village of Huapana where it is said there are a church and a school-house, established there by the English authorities, which, however, could not be reached although sailing until seven o'clock in the evening, at which hour the steamer *Libertad* was made fast to the bank of said river Waini, to wait for the next day.

(Signed).—*Jesús Muñoz Tebar.*

(Signed).—*Santiago Rodil.*

ACT N^o. 10

To day, the 27th of December 1886, the Commissioners held a meeting at the village of Cuabana, lying on the right bank of the river Waini, where there is a hut with a thatched roof which serves as a protestant church and at the same time as a public school.

The English Government has no Police Constable in this village—but Jacobus Ingles said that there is one, appointed by said Government at a village called Guaramuri, lying on the banks of river Moroco!

The Commissioners declare that all the inhabitants of the village of Cuabana are Guaica Indians, who preserve their own language.

The undersigned informed the master Jacobus Ingles, that they had gone there, as Commissioners for the President of the Republic,

to notify the inhabitants of these settlements that the territory upon which they lie belong to Venezuela and not to Her Britannic Majesty, and required him to notify of this the aborigines who inhabit the village.

The Commissioners remark that in the Marriage-Registers kept at this place by the missionaries, it is called Saint Agathas Kwabannch in the parish of the River Waini, county of Essequibo.

(Signed).—*Jesús Muñoz Tebar.*

(Signed).—*Santiago Rodil*

ACT N° 11

On the same day, the 27th of December, the Commissioners issued the following appointments as Commissaries: To Francisco Arela, for the settlement of the mouth of branch Paramán; and to Próspero Cedeño for the settlement of Cucurital, both on the bank of river Waini.

(Signed).—*Jesús Muñoz Tebar.*

(Signed).—*Santiago Rodil.*

ACT N° 12

At a sitting on the 28th of December 1886 on board the national steamer *Libertad*, anchored off the settlement of Morajuana, lying on both banks of the branch of the same name, the Commissioners decided to appoint citizen José Ignacio García Commissary, and notified him, in order that he should inform all the inhabitants, that this territory does not belong to Her British Majesty's Government but to that of Venezuela.

(Signed).—*Jesús Muñoz Tebar.*

(Signed).—*Santiago Rodil.*

ACT. N° 13

On the same day, the 28th of December 1886 the Commissioners, sitting on board the national steamer *Centenario*, anchored off Point Barima, taking into consideration all the difficulties that the National Government will meet with in communicating frequently with the Commissaryships created by the undersigned, and considering the advantages presented by the position of the village of Curiapo, lying on the Great mouth of the Orinoco, to make it the head of all these Commissaryships, have decided to appoint an inhabitant of this village Mayor (*Jefe Civil*) of said village and of all the territory embracing the Commissaryships that have been reorganized by the Commissioners; and in conse-

quence, issued this appointment to citizen Aniceto Ramones, who has done useful services to the Commissioners; accompanying them in all their excursions as pilot on the rivers Amacuro, Barima, Aruca, and Waini.

The Commissioners then decided to address the following official telegram to the President of the Republic, which will be conveyed to Ciudad Bolívar by the Captain of the *Libertad*, sailing this evening for that port.

Illustrious American, President of the Republic.

Caracas.

On the Eastern bank of river Amacuro we found a house serving as a public office, erected by the English and two Constables with Commissions issued by the authorities of the neighboring Colony. We have a written answer from the latter. On branch Barima, River Barima and branch Morajuana there are only a few isolated farms (*conucos*). On the Aruca, an affluent of the Barima, there is a considerable settlement with an English Constable whom we did not meet there, he having gone to Georgetown. We sailed up the Waini a distance of more than one hundred and fifty miles, as far as the village of Cuabana. There is at this place a hut which serves as a church and school-house. At all these places we have publicly proclaimed that the territory belongs to Venezuela and not to Her British Majesty. We have appointed ten Commissaries. The *Libertad* returns to Bolívar carrying this dispatch while we go on to Georgetown in the *Centenario*. The spot for the erection of the light-house at this Point has been surveyed.

(Signed).—*Jesús Muñoz Tébar.*

(Signed).—*Santiago Rodil.*

This same dispatch was directed to the Minister of Foreign Affairs.

Jesús Muñoz Tébar.

Santiago Rodil.

ATC N° 14

At a sitting on the 1st of January 1887 on board the national steamer *Centenario*, anchored in the River Demerara, off Georgetown the Commissioners decided to address the following note to the Venezuelan Consul in this city.

On board the Venezuelan Man of War *Centenario*
Anchored in the River Demerara, off Georgetown,
January 1st 1887,

To the Venezuelan Consul in Georgetown.

We the undersigned have come, as you may have seen it by the credentials which we have presented to you, as Commis-

sioners for the President of the Republic of Venezuela, to study and put into execution the affairs which we now proceed to state to you.

As the large increase of navigation on the Orinoco has made it urgently necessary, the President of the Republic has decided upon the immediate erection of a light-house at Point Barima and this is one of the objects of our Commission.

But, as besides this, the Government of Venezuela has received information that on the Amacuro, Barima, Waini and other rivers there are some individuals who style themselves Constables claiming to have been appointed by the authorities of this English Colony the President of the Republic has likewise ordered the investigation of these facts and the reorganization of the Commissaryships in the settlements lying on the banks of the aforesaid rivers; and this is another of the objects entrusted to the Commissioners.

In fulfilment of the instructions we have received and after having begun the preparatory work for the erection of the light-house at Point Barima, we proceeded to explore the Amacuro river, branch Barima and branch Morajuana and the Barima, Aruca and Waini Rivers. We did in fact find at the settlement of Amacuro a wooden house with a thatched roof, which we were told had been erected by order of the authorities of this Colony, and two individuals who presented to us their Commissions as Constables, signed by Michael Mc. Turk *Stipendiary Magistrate*. At the settlement of Aruca we were informed by the inhabitants there was also a Constable, whom we did not meet as he had come to this city. At Cuabana, on the banks of river Waini, a missionary, the Reverend Walter Heard erected seven years ago, at the expense of the village, a hut which serves as a church and at the same time as a school, the master of which is paid by a religious congregation; but in the marriage and other registers which are kept there, it is stated that said village belongs to the County of Essequibo.

At all these places and in fulfilment of the orders of the President of the Republic, we have protested in the name of Venezuela against such acts, and have notified the inhabitants that those territories belong to Venezuela and not to Her Britannic Majesty.

We shall make you, Mr. Consul, a rapid sketch of the prominent facts of this matter.

You are aware that the question of limits between Venezuelan Guiana and British Guiana is pending. Venezuela has always claimed as her limits the left shore of the Essequibo; but since 1803 Great Britain, alleging the existence of Dutch Forts on the other side of the Essequibo, took possession of considerable territory.

Venezuela has been constantly protesting from an early date against such proceedings and endeavoring to bring about a convention of limits between the two countries.

Engineer Schomburgk who visited the country in 1841, marked out limits which were exceedingly fanciful, as they were based upon

no previous facts nor did they rest upon any document but solely upon purely geographical considerations. He placed a sentry-box, and planted posts and other marks of dominion at Point Barima. The timely and just remonstrances of Venezuela against such pretensions succeeded in obtaining their removal, and then negotiations were commenced for a treaty of demarcation. The Plenipotentiary of Venezuela proposed that it should be drawn at the Essequibo and Lord Aberdeen at the Moroco. The death of the Plenipotentiary of Venezuela unfortunately interrupted the negotiation.

In 1881 Lord Granville already desisted from the line of his predecessor and asked that it should commence above the Moroco, twenty nine miles to the East of the Eastern bank of river Barima. Venezuela has not accepted this proposition and asks for arbitration as the most reasonable way of putting an end to these matters between two nations who have preserved, as they now preserve, relations of friendship, frank and sincere.

A Convention exists which on the 18th of November 1850 was proposed by Mr. Wilson, British Chargé d'Affaires at Caracas, who, on account of the rumor having spread that a Fort was about to be erected at Point Barima, declared in the name of his Government that the latter had no intention whatever of occupying or encroaching upon the territory in dispute, neither would they order or sanction such occupations or encroachments on the part of their authorities, and he requested and obtained a similar declaration from the Government of Venezuela. But we must remark to you, Mr. Consul, that Venezuela has never looked upon the lands watered by the Amacuro, the Barima and the Waini as being disputable territory.

It is evident, Sir, that England has never considered herself co proprietor with Venezuela, of the mouths of the Orinoco, and the Amacuro empties much above its great mouth, and Point Barima lies on the great river and branch Barima together with branch Morajuana forms an outlet to the Orinoco on its right bank towards the East in all respects similar to that formed on its left bank towards the north by the Macareo, the Pedernales and other branches which pour into the Gulf of Paria, all of them constituting the Great Delta of this river of which Venezuela is the sole and exclusive proprietor.

As one of the many proofs that Venezuela has of Great Britain's having coincided with these ideas, I enclose a copy of the note written on the 26th of May 1836 by the British Legation in Caracas, urgently asking for the erection of a light-house at Point Barima.

The last news recently received by the Government of Venezuela were to the effect that gold mines are being worked on our territory lying between the Cuyuni, the Mazaruni and the Puruni rivers, and that large quantities of this mineral have already been exported through the Custom-House of this City.

One of the instructions received by the undersigned Commissioners, is to the effect that, should the latest invasions of our territory prove to be true, as they have proved, we were to come to this city and lay

them before you, which we do by this note, for you to transmit them to His Excellency the Governor requesting an answer from him on the facts which we have stated to you.

Immediately upon the receipt of this answer, which we hope you will obtain in the shortest possible time, we shall return to Venezuela.

Besides all this, you will kindly inform us in a note of all that you may know in relation to these affairs, accompanying said note with all the official documents that you may be able to procure.

We are, Sir, with high consideration,

Your most obedient servants.

(Signed).—*Jesús Muñoz Tebar.*

(Signed).—*Santiago Rodil.*

ACT N° 15

At a sitting on the 8th. of January 1887, on board the national steamer *Centenario*, anchored in the river Demerara, off Georgetown, the Commissioners read the following note sent by the Consul of Venezuela :

Consulate of the United States of Venezuela.

Georgetown, Demerara, January 8th 1887.

Messrs. Commissioners

*Doctor Jesús Muñoz Tebar and
Santiago Rodil.*

Gentlemen.

On the 1st of the present month I had the honor of receiving your note of same date, but as I have not yet received my exequatur, I had to solicit permission from the Government of the Colony to enter into the discharge of my office, which permission was granted me on the 5th of this month, after certain formalities. On this day I transmitted to His Excellency the Governor of this Colony a certified copy, as well as a translation, of the aforesaid document. On the following day the 6th inst, I received an answer from His Excellency the Governor, the original of which I enclose after having taken a copy for the Archives of this Consulate.

Little or nothing can I add, Gentlemen, to what you already officially know. The only thing to which I can call your attention, is the manner in which this matter has been decided by the Government of Great Britain. They have already established authorities at the most important points of the usurped territory, especially in the mining district lying between the rivers Cuyuní, Essequibo, Mazaruni and Puruni, where there is at present a mining population of from three to four thousand men.

According to the last statement of the Custom-House there were exported through this Custom-House about 6518 ounces of gold

against 936 in the preceding year. This was all clay-gold. I send you herewith several newspapers, especially the official ones of the last months, in which you will find news about this mining and boundary question.

I am, with the highest consideration,
Your most obedient servant.

(Signed).—*Manuel L. R. Andrade.*

The note of the Government of the Colony, to which the foregoing dispatch refers, is as follows:

British Guiana—In replying quote date hereof and N^o 141.—Government Seal.—Government Secretary's Office: Georgetown, Demerara, 6th of January 1887.

Sir,

I am directed by His Excellency the Governor to acknowledge the receipt of your letter of the 5th inst, reporting the arrival here on the 31st ultimo, of the Venezuelan Gunboat *Centenario*, having on board Señores Dr. Jesús Muñoz Tebar and Santiago Rodil.

Your letter embodies an official note in which those gentlemen have communicated to you the object of their visit to British Guiana.

I am desired in reply to refer you to the notice dated the 21st of October 1886, published in the *London Gazette* by authority of Her Majesty's Government, a copy of which is herewith enclosed and to state that the Districts referred to in the official note enclosed in your letter are included within the limits, as designed by the terms of that notice and form a part of the Colony of British Guiana.

I have the honor to be,

Sir,

Your obedient servant.

(Signed).—*Charles Bruce.*

To *Manuel L. R. Andrade Esq.*

Acting Consul for Venezuela.

I certify that the above signature is the true signature of Charles Bruce, Secretary General to the Government of this Colony.

Consulate of the United States of Venezuela in Georgetown, Demerara, 7th of January 1887.

(Signed).—*Manuel L. R. Andrade.*

(Seal of the consulate).

Extract from the *London Gazette*, dated 22nd October 1886.

Colonial Office, Downing-Street.

October 21st 1886.

The Colony of British Guiana.

Whereas the boundary line between Her Majesty's Colony of British Guiana and the Republic of Venezuela is in dispute between Her Majestys' Government and the Government of Venezuela,

And Whereas it has come to the knowledge of Her Majesty's Government that grants of land within the territory claimed by Her Majesty's Government as part of the said Colony have been made or purport to have been made by or in the name of the Government of Venezuela. Notice is hereby given, that no title to land or to any right in or over or affecting any land within the territory claimed by Her Majesty's Government as forming part of the Colony of British Guiana, purporting to be derived from or through the Government of Venezuela or any officer or person authorized by that Government, will be admitted or recognized by Her Majesty or by the Government of British Guiana; and that any person taking possession of, or exercising any right over any such land under color of any such title or pretended title, will be liable to be treated as a trespasser under the laws of the said Colony.

A map shewing the boundary between British Guiana and Venezuela, claimed by Her Majesty's Government can be seen in the Library of the Colonial Office, Downing-Street, or at the office of the Government Secretary, Georgetown, British Guiana.

Certified a true extract from the *London Gazette*.

(Signed).—*C. Bruce*.

Consulate of the United States of Venezuela.

I certify the above to be the true signature of Charles Bruce, Secretary General to the Government of this Colony.

(Signed).—*Manuel L. R. Andrade*.

(Seal of the Consulate).

The Commissioners, considering that by the receipt of the foregoing notes the object for which they were sent by the National Government has been achieved, decided to consider their work at an end and to return to Venezuela to present their report to the President of the Republic.

(Signed).—*Jesús Muñoz Tebar*,

(Signed).—*Santiago Rodil*.

TRANSLATION

Department of Foreign Affairs.

Caracas January 26th 1887.

Sir :

In conformity with the information given to Your Excellency by this Department on the 7th of December last, the President of the Republic sent Engineer Dr. Jesús Muñoz Tebar and General Santiago Rodil as Commissioners to Barima and other points, with the views which have already been mentioned.

The Chief of the Commissioners has just returned here and has reported to the Government the results of their work.

The grave news which caused this step to be taken have unfortunately been confirmed:

In the first place the Commissioners found two Constables at the settlement lying on the right bank of the Amacuro, to wit, Messrs. Francis Stephen Neame and G. B. Jeffry, who showed them the warrants which appointed them "Rural Constables," issued on the 1st of March 1885 and on the 6th of September 1886 respectively by Mr. Michael Mc. Turk, calling himself a Stipendiary Magistrate of Her Majesty, in and for the Colony of British Guiana. In answer to a communication of the Commissioners, said Constables assured them that they had received no orders to oppose the Venezuelan authorities of the left bank, which should descend the Amacuro; but that they had authority to prevent any Venezuelan vessel from selling rum or spirituous liquors on British territory, and they added, that any vessel selling rum without a proper licence from their Government, (i. e. that of Demerara) might be seized at any time.

At the aforesaid settlement of Amacuro the Commissioners took sworn depositions from the Venezuelan Commissary, Mr. Roberto Wells, and from Messrs. Aniceto Ramones and Alfonso Figueredo. These depositions corroborated the facts of the capture and kidnapping of the first named at the aforesaid place, his conveyance thence to Georgetown and his imprisonment in the gaol of that city during two months, his trial and sentence to pay a fine of twenty five dollars. They ascertained, besides, that a wooden house with a thatched roof, which serves as a public Office and over which flies the English flag, had been erected by and at the expense of the Colonial Government, which house the Commissioners saw. They in the same manner proved the fact that an English Revenue-Cutter, called the *Transfer* had on several occasions, gone to Amacuro having on board a British Magistrate and armed policemen, who went there with the object of trying, giving judgment and deciding criminal and police cases; and that at Amacuro, as well as at Barima, vessels are searched which have been legally dispatched in Ciudad Bolívar; which vessels are forbidden from selling their goods and from going on to Branch Barima, unless in ballast, requiring them to provide themselves with permits in Georgetown, before allowing them to transact any business.

The Commissioners went to the right bank of the Amacuro where they communicated both verbally and in writing with the aforesaid Constables. They then proceeded to the settlement of Aruca where they were told that there was a Constable, Harrington by name, who was away at the time, and that a Justice of the Peace had been there three months before on account of the murder of a coolie, the author of which had been arrested and taken to Georgetown for trial. He was sentenced to five years imprisonment.

At Cuabana a settlement lying on the right bank of River Waini, they found a hut, serving as a protestant church and public school which had been erected by direction of Missionary Walter Heard. In the Marriage-Registers which are kept there, it is stated that that place

belongs to the County of Essequibo. No Constable was found at this place; but according to the information given by the schoolmaster, Mr. Jacobus Ingles, the Colonial Government has one at the village of Guaramari on the banks of River Moruca.

The Commissioners ascertained likewise that gold-mines were being developed by the English authorities on our territory situated between Rivers Cuyuni, Mazaruni and Puruni, and that large quantities of this mineral had already been exported through the English Custom-house.

The Commissioners finally proceeded to Georgetown, and through the Venezuelan Consulate in that City acquainted the Governor of Demerara with the objects of their Commission, the measures they had taken by virtue of same and the violations of Venezuelan territory which they had discovered. The Secretary of said British Official simply answered, on the 6th of this month, that he referred the Commissioners to the notice published in the London Gazette of 21st of October 1886, a copy of which he enclosed; and stated that the districts referred to in the official note of the Commissioners were included in the boundaries established by the terms of the notice and are part of the Colony of British Guiana.

It is proclaimed and notified in said notice that: whereas the boundaries between British Guiana, one of Her Majesty's Colonies, and the Republic of Venezuela, are under dispute between Her Majesty's Government and the Government of Venezuela and whereas Her Majesty's Government has received information that the Government of Venezuela has made or is about to make grants of land within the territory claimed by Her Majesty's Government, such titles will not be admitted or recognized, and any person taking possession of said lands, or exercising any rights thereon, on pretence of such titles, will be prosecuted as trespasser according to the laws of the Colony. In conclusion the notice says, that in the Library of the Colonial Office in Downing-Street or in the Office of the Government's Secretary in Georgetown, British Guiana, may be seen a map showing the boundaries between British Guiana and Venezuela, claimed by Her Majesty's Government.

One cannot understand why these boundaries are not specified in the notice itself, but have been left to a map which is separated from the notice with which it is connected.

There is, then, not the slightest doubt that an extensive portion of Venezuelan territory, and the great artery on the North of the South American Continent, the Orinoco, are, *de facto*, under the dominion of Great Britain, under the fragile pretext that there is a dispute about limits between the Republic and Her Majesty's Government. The logical conclusion from the existence of a controversy about the proprietorship of lands and waters, would be, at most, the convenience of neutralizing, by common consent, the places in litigation, pending the decision of same. But for one of the contending parties to decide upon the appropriation of the object under controversy, by himself and in contempt of the rights of the other, is by the light of all jurisprudence an unjustifiable violation of the most sacred right of a nation; it is a dead-

ly wound inflicted upon the sovereignty of the Republic. Great Britain has reprieved, in a similar case, the selfsame action which she to-day takes with Venezuela.

According to the Order issued by the King of Spain in 1768, the Province of Guiana was bounded on the South by the Amazone and on the East by the Atlantic Ocean ; so that the acquisitions of other Powers within those limits were not valid until they were made lawful by the posterior consent of said Monarch. In regard to the Netherlands, to whose rights Great Britain has succeeded, the only portion that was left in their possession of the aforesaid territory, were the establishments of Essequibo, Demerara, Berbice and Surinam, of which the Dutch had taken possession during the long war with their old metropolis which came to an end by the treaty of Munster in 1648. The fact of the Dutch not owning then any other colonies but those mentioned is confirmed by the Extradition Treaty made in Aranjuez between Spain and the Netherlands, toward the close of the 18th Century, on the 23rd. of June 1791, in which treaty only these are enumerated. And it must be remarked, that the Dutch could not continue advancing upon the Spanish possessions, because Article 6 of the Munster-Treaty prohibited them from navigating towards them and from transacting any business with them. They continued advancing notwithstanding this ; but, far from consenting to these new usurpations, Spain appealed to arms in order to repel them. Lord Aberdeen himself in his note of 30th. of March 1844 to Mr. Fortique, recalls the fact that in 1797 the former attacked the fort of New Zealand, the unfavorable issue of this attack being here of no importance. What it is intended to prove, is, not the superiority of her forces over the Dutch garrison, but the opposition to the latter's advances. Therefore, all that was beyond the Essequibo was out of the jurisdiction of Holland, who, on the other hand, only made over to England in 1814 the establishments of Essequibo Demerara and Berbice.

In 1844 Lord Aberdeen proposed the Moroco as boundary.

In 1851 Lord Granville presented to Venezuela a line which commenced 29 miles to the East of the Eastern shore of the Barima.

In 1886 Lord Rosebery asked for a frontier which should start from the sea-coast towards the West of River Waini.

In 1868 the Governor of Demerara, in a decree on the division of registers, did not establish a more northerly one than that of the Pomaron.

It was on the 6th of November 1886, that, annulling that decree by order of Her Majesty's Government, he established new divisions which reach as far as the Eastern shore of the Amacuro.

It was also in 1885 and 1886 that he appointed Constables for Amacuro.

In 1841 Engineer Schomburgk fancifully marked out the boundaries claimed to-day by Her Majesty's Government and planted posts and other marks.

The Republic having taken alarm at these facts, the Government sent two Commissioners to Demerara to request an explanation, and

instructed their Minister in London to demand the removal of the marks.

— The Governor of Demerara said to the Commissioners that, as the limits were in reality undetermined and under discussion, Mr. Schomburgk's action had not been, nor could have been, taken with the *intention of taking possession*, but as a simple marking out of the line *presumed upon* by British Guiana and therefore, while the limits should be undetermined, the Government of Venezuela might be certain that no forts would be ordered to be erected, on the land in question, nor would soldiers or forces of any kind be sent there.

On his side Lord Aberdeen answered that the marks placed by Mr. Schomburgk at some points of the country which he had surveyed, were simply a preliminary step subject to future discussion between the two Governments; that they were the only tangible means of preparing to discuss the question of limits with the Government of Venezuela, that they were placed with that express object, and not, as the Government of Venezuela seemed to fear it, *with the intention of indicating dominion or empire on the part of Great Britain*. He added that he was glad to learn from Mr. Fortique's note that the Commissioners sent by this Government to British Guiana had been able to ascertain, through the information given by the Governor of that Colony, that Point Barima had not been occupied by British authorities. This was written on the 11th of December 1841.

Shortly after, on the 31st of January 1842, Lord Aberdeen ordered the removal of the marks, with the object of putting an end to the misunderstanding existing in Venezuela with regard to the object of Mr. Schomburgk's surveyal, and in attention to the renewed representation of Mr. Fortique.

It is beyond the intelligence of Venezuela to conciliate the proceedings of that time, by which it was rendered evident that possession could not be taken of the territory and the fact of to-day, by which the British Government has arrogated the dominion of what it alleges to claim.

And I must here record that Venezuela never understood that the proprietorship of the places situated on this side of the mouth of the Pomarón was disputed from her, but only that of those between that river and the Essequibo, and this is clearly proved by Lord Aberdeen's proposal, who was satisfied with the mouth of the Moroco as Western boundary of the British possessions.

But even admitting, for the sake of argument, that the land in litigation were larger, this would not give Great Britain a better right to occupy it, not only by reason of the cause itself, but because she made the engagement not to occupy the territory in dispute.

I refer to the Convention made in November 1850 by the exchange of notes, with Mr. Wilson, British Chargé d'Affaires, at his own request and in pursuance of the definite instructions of his Government. This gentleman first of all declared devoid of foun-

dation and the reverse of the truth the rumors then generally prevalent here, that Great Britain wanted to claim the Venezuelan Guiana as her property; he next declared that Great Britain would not occupy or encroach upon the territory in dispute neither would she order such occupation or encroachment nor sanction it on the part of her authorities; and he requested and obtained a similar declaration from Venezuela.

It is therefore clear that Great Britain has violated this convention, which was her own work, by entering Venezuela through forbidden places, visiting Rivers Waini, Morajuana, Amacuro and Branch Barima; by posting notices on the trees of the shores, whereby it was intimated that her laws were in force there; by appointing Constables; by carrying away a Venezuelan Commissary under the pretext that he had ill-treated a Portuguese, subject although this was in the jurisdiction of the Republic, taking him to Georgetown, imprisoning him, trying him and inflicting a fine of twenty dollars; by establishing a public office at Amacuro; by cruising in the space comprised between this river and the Barima, in the revenue-cutter *Transfer*, including those territories in the District of the Governor of Demerara; by sending a Magistrate to the same, to try and decide on criminal and police cases; by authorizing the working of mines on Venezuelan territory and finally, by appropriating said territory because, as it says, the dispute on limits is pending.

As Minister for the Republic, General Guzmán Blanco claimed from the British Government in a note dated on the 28th of July last, the satisfaction which these facts demand; and the answer has been to proclaim and notify by means of a notice published on the 21st of October 1886 in the London Gazette, that the territory marked out by Engineer Schomburgk is their property.

That is to say that the Government of Great Britain, has decided for itself and by itself to the exclusion of Venezuela, that she is proprietor of the mouth of the Orinoco, the most important river of the Republic, of which the Barima and the Morajuana are branches, including also Point Barima, and which her Chargé d'Affaires, Sir Robert Porter, spontaneously acknowledged on the 26th of May 1836 to be under the sovereignty of Venezuela.

Venezuela has frequently proposed that the question be submitted to the decision of an arbitrator on rights, and Her Majesty's Government has refused, alleging that this method cannot be applied to a controversy on limits. It has persisted in this refusal, although reminded that by the Conventions of 1827 and 1871 England herself referred to an arbitrator a dispute on limits between herself and the United States, one about her possessions in North America and the other in reference to the canal of Haro, with the circumstance that, in the latter case, the proposal came from herself, as many as six times.

Venezuela is still willing to settle this controversy by means of arbitration, the only method compatible with her Constitution now in force.

By virtue of the preceding statements the President of the Republic demands from Her Majesty's Government the evacuation of the Venezuelan territory from the mouths of the Orinoco to the Pomarón, which it has unduly occupied, with the understanding, that if by the 20th of February next, date at which Congress meets, to whom the Government must render account of everything, no answer has been received, or a negative answer has come, the diplomatic relations between the two countries will be severed, from that date.

I beg to renew to Your Excellency the assurances of my highest consideration.

(Signed).—DIEGO B. URBANEJA.

To His Excellency F. R. Saint John, Her Britannic Majesty's Minister Resident,
&. &. &.

COPY

British Legation.

Caracas January 31st 1887.

Señor Ministro;

Referring to my interview of the 6th of December last with His Excellency the President of the Republic and to Your Excellency's note of the day after in which was signified to me the intention of the Government of Venezuela to proceed at once to occupy Barima Point by erecting there a light-house in compliance with the alleged desire of Her Majesty's Government, I am now instructed by Her Majesty's Principal Secretary of State for Foreign Affairs to state to Your Excellency for the information of the President that the request by the British Consul for the erection of such a light-house in 1836, was unknown to, and unauthorized by, the British Government of the day; that an attempt to erect such a light house without the consent of Her Majesty's Government would be a departure from the reciprocal engagement taken by the Governments of Venezuela and England in 1850 not to occupy or encroach upon the territory in dispute between the two countries; and that Her Majesty's Government would be justified in resisting such a proceeding as an act of aggression on the part of Venezuela.

Nevertheless, as it appears that a Light at Barima Point would render the navigation of the Orinoco river safer, and thus be of undoubted benefit to commerce generally, Her Majesty's Government do not desire unduly to insist on their rights, and I am in consequence instructed to inform the President that they will give their consent to the erection of a Light at Barima Point on condition that an arrangement shall be come to between the two Governments as to the quantity of land to be occupied for the purpose, and that the Venezuelan Government shall give a formal engagement in writing that the placing of the Light will in no way be held as prejudicing the British claim to the territory in dispute, of which

Barima Point forms a part nor be construed hereafter as evidence of any right on the part of Venezuela to Barima Point, nor as an acquiescence by Great Britain in such an assumption.

I am further instructed to state that on receiving such written assurances Her Majesty's Government will be prepared to instruct the British local authorities not to offer any opposition to the erection of the proposed Light but I must warn the Government of Venezuela against the danger of their taking action in the matter without a previous understanding with Great Britain.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(Signed).—*F. R. St. John.*

His Excellency Dr. Diego B. Urbaneja, & & &

TRANSLATION

Department of Foreign Affairs.—D. P. E. N° 47.

Caracas, January 31st 1887.

Sir :

I have informed the President of the Republic of the contents of the note which Your Excellency handed to me this morning, in which you state that the request made by the British Consul in 1836 for the erection of a light-house at Point Barima was neither known to nor authorized by the British Government of the period; that an attempt to erect such a light-house without the consent of Her Majesty's Government, would be an infringement of the mutual engagement made by the Governments of Venezuela and England in 1850 not to occupy or encroach upon the territory in dispute between the two countries; that Her Majesty's Government would be justified in resisting such a proceeding as an aggressive act on the part of Venezuela; that, as the light-house at Barima would make the navigation of the River Orinoco safer and would prove of undoubted benefit to commerce generally, Her Majesty's Government do not wish to insist unduly on their rights, and therefore consents to the erection of a light-house at Barima on condition that the two Governments enter into an agreement as to the quantity of land to be occupied for this purpose and that the Government of Venezuela give a written assurance that the erection of the light-house will not be considered in any way as prejudicial to the British claim to the territory in dispute of which Point Barima forms a part, nor will be in future considered as a proof of any right of Venezuela to the same, nor as an acquiescence on the part of Great Britain to such a presumption.

Far from finding a way to a solution of the existing difficulties in the aforesaid note, the President of the Republic judges that the same only aggravates them more and more as will be shown,

He does not admit that now, after fifty years and eight months have elapsed since the step taken by Sir Robert Ker Porter, it be pretended that this step was neither known to nor authorized by the British Government of the period nor that he be called a Consul, as though to weaken the value of his word. He was a Consul at first ; but after the exchange of the Treaty of 1834 between the two countries he was appointed *Chargé d'Affaires* and it was in this capacity that on the 24th of May 1836 he urged the establishment of a light-house at Point Barima.

Venezuela does not admit now, neither has she admitted before nor will she ever admit that Point Barima has ever been in question, in the same manner that the Island of Barima is not, has never been nor will ever be ; this Island, and also that of Pedernales, are islands which, together with many others, are situated both physically and politically on the great Delta of the Orinoco, the exclusive property of Venezuela of which country all of them form an integral part.

It is undoubtedly out of respect for this sacred and invulnerable right of the Republic that none of the successive proposals of Lord Aberdeen, Lord Granville and Lord Rosebery include the Island of Barima.

The Government of Her Majesty invokes the Convention of 1850 in order to deny to Venezuela the right of establishing a light house at Barima, thereby justifying more and more the complaints and remonstrances of the Republic, because it is in utter disregard of this same Convention that they have taken possession of the vast territory lying between the Pomaron, Barima and the right bank of the Amacuro, thus making any settlement impossible.

I have already said, and I repeat to Your Excellency, that Venezuela has never considered as being controverted the territory which lies between the Pomaron and the Amacuro, but that which lies between the Pomaron and the Essequibo ; but even in case that the former space were comprised in the dispute, Great Britain could neither have occupied it nor retained it, as she should have been prevented from doing so by the existence of the compact which she to-day invokes against the Republic and which she has infringed for her own benefit.

The President will not submit to the conditions imposed upon him for the erection of the light-house at Point Barima, as this would be tantamount to assenting to the advances of Great Britain, which recognize no foundation, and to making declarations which would be damaging to the indisputable right of the Republic.

And now the most important : This is the first occasion on which Her Majesty's Government make known their pretension to the Orinoco and speak of their rights in this respect and pretend to call themselves owners of it, imposing conditions for the use of the lands on which the light-house would be placed. Until now all had been reduced to acts on one side, unknown to the other ; but to-day the latter is notified of what is done, and its approval

is sought of these acts and pretensions, which are in opposition to its rights.

In consequence, the President of the Republic has instructed me to formally renew the demand contained in my note of the 26th. of this month, regarding the evacuation of the whole of the territory occupied and retained by Great Britain, without any right whatever and in violation of the rights of Venezuela, from the Amacuro to the Pomaron, by the 2cth. of February, date at which Congress will meet.

And I am to add that, in case this has not been done by that time, and, besides, said evacuation is not accompanied by the acceptance of arbitration as the means of deciding the pending litigation on boundaries, the diplomatic relations between the two Governments will be severed and a protest will be entered which will forever secure the rights of Venezuela against proceedings which she should never have expected from a Power with whom she has ever endeavored to maintain the most friendly relations and frank intercourse.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(Signed).—DIEGO B. URBANEJA,

To His Excellency F. R. St. John, H. B. M. Minister Resident, &c. &c. &c.

C O P Y

British Legation.

Caracas February 15 th. 1883.

Señor Ministro :

I have to acknowledge receipt of two notes on the Guiana Frontier question which Your Excellency did me the honour to address to me—one dated the 26th and the other the 31st ultimo—and I must express my astonishment that despite the positive assurance I gave, which was afterwards confirmed by Her Majesty's Government, namely that Sir Robert Porter's request in 1836 for the placing of a light at Barima Point had been made without the authority or even the knowledge of Her Majesty's Government, the Government of Venezuela should doubt the statement and persist in regarding the circumstance as justifying their claim to the spot. As well might it on the other side be argued that the merchants of Ciudad Bolivar, or Angostura as it was then called,—presumably from their proximity, better acquainted than Sir Robert with the locality—having petitioned him rather than the Venezuelan local authorities for the means of safer navigation,—that the circumstance proved that the merchants looked upon Barima Point as British and not Venezuelan territory.

With equal surprise do I observe that notwithstanding Your Excellency's allusion in your first note to the several instances, namely in 1844, 1851 and 1886 in which Her Majesty's Government

have from a friendly feeling to Venezuela, offered to cede the lower right bank of the Orinoco, Your Excellency should affirm in your second note that the Venezuelan Government now for the first time learn (by my note of the 31st ultimo) that the territory claimed by Great Britain extends to the Orinoco.

I have only to add that Your Excellency's first note was transmitted a few days ago to Her Majesty's Government and that your second note will be forwarded by the next opportunity.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(Signed).—*F. R. St. John.*

His Excellency Dr. Diego B. Urbaneja, & & &.

TELEGRAM

Caracas February 11th 1887.

General Guzman Blanco.

Macuto.

The English Minister has just addressed the following note to me:

"Having telegraphed to Her Majesty's Government the substance of Your Excellency's note to me of the 26th ultimo, I have this moment received by telegraph instructions from Her Majesty's Principal Secretary of State for Foreign Affairs to state to you in reply that the Government of Her Majesty while still prepared to enter into friendly negotiation with the object of settling the Guiana Boundary question are unable to accede to the present demand of the Government of Venezuela much as they would regret the action indicated in the note from Your Excellency above mentioned."

Mr. St. John says that in case there is any answer to be sent by telegraph, there is an opportunity to do so by a steamer sailing to-day for Trinidad, and there will be no other before another week.

(Signed).—*DIEGO B. URBANEJA.*

Department of Foreign Affairs.—*D. P. E. N° 57.*

Caracas February 11th 1887.

Sir :

Immediately upon the receipt of your note of this date I transmitted it by telegraph to the President of the Republic, who has answered me in the following manner by the same means:

"Your telegram just received. Say in answer to the English Minister that the Government of Venezuela renew and ratify in all their parts the contents of their notes dated the 26th and 31st of the preceding month as they cannot enter into a new discussion until Great Britain has evacuated the whole of the territory as far as

the river Pomarón, which, in conformity with the Convention of 1850, Venezuela has a perfect right to demand."

I beg once more to renew to Your Excellency the assurances of my distinguished consideration.

(Signed).—DIEGO B. URBANEJA.

His Excellency F. R. St. John, H. B. M. Minister Resident, &. &.

COPY

British Legation.

Caracas February 19th 1887.

Señor Ministro :

In accordance with instructions which I received to-day from England I have the honour to state to Your Excellency that Her Majesty's Government having been apprised of the recent visit of two Venezuelan Commissioners to a portion of the territory claimed by Great Britain as belonging to the Colony of British Guiana and of their proceedings there, any interference with British subjects in that locality will not be permitted.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

(Signed).—*F. R. St. John.*

His Excellency Dr. Diego B. Urbaneja, & & &.

TRANSLATION

Department of Foreign Affairs.—D. P. E.—N^o 70.

Caracas February 20th 1887.

Sir :

The Republic of Venezuela succeeded to Spain in her rights over the Captaincy General of the same name by virtue of the Treaty of recognition signed in Madrid on the 30th of March 1845.

The Province of Guiana formed a part of the Captaincy General.

The boundaries of this Province were : on the East the Atlantic Ocean, and on the South the River Amazone.

It was only through cessions made by Spain that these boundaries could suffer any reduction.

The Dutch had taken possession of some points of Guiana during their long war of emancipation, and when Spain recognized their independence, she consented to legalize their usurpations on the coast of America, by the treaty signed in Munster on the 30th of January 1648.

In said treaty the establishments of which the Dutch were left in possession were not specified; but in the extradition treaty made at Aranjuez on the 23rd of June 1791 the Colonies of Porto Rico, Coro and the Orinoco were mentioned as Spanish and as Dutch, lying opposite to these, those of Saint Eustace, Curaçao and Essequibo, Demerara, Berbice and Surinam.

Of these four last Colonies, the Netherlands transferred three to Great Britain, to wit, those of Essequibo, Demerara and Berbice through the London Treaty of 13th of August 1814.

The English have no further titles in Guiana than those thus transferred to them by Holland.

It must be observed that, when the Dutch, infringing the aforesaid Munster-Treaty, which prohibited them from navigating to and trading with the Spanish possessions, endeavored to advance towards the latter, His Catholic Majesty invariably opposed an armed resistance to these attempts at usurpation.

That the Dutch themselves did not believe themselves to be the legitimate owners, on the North side of the Colonies, of a larger portion of territory than the Essequibo, is proved by the fact that no other is included in the aforesaid act of alienation to Great Britain.

Thus, in 1810, the Essequibo was the limit between the Province of Guiana and Holland; and the same belongs to Venezuela as established by her Constitution.

Since 1822 the Government of Columbia, the predecessor of Venezuela, claimed the Essequibo as the property of the Republic.

In 1841 Engineer Schomburgk, Commissioner for the English Government, made surveys in Venezuelan Guiana and planted posts and other marks of dominion even at Barima and Amacuro.

Public opinion in Venezuela became greatly excited, the Government protested, and Her British Majesty ordered the removal of the marks, explaining that they had not been placed as a sign of empire. Since then Venezuela has been asking for a treaty which should decide of the misunderstanding on boundaries.

It was only in 1844 that the Plenipotentiary of the Republic, after a long preparation of the preliminaries, opened negotiations for the treaty. Based upon conventional right, upon history and upon the authority of geographical maps, he proposed the Essequibo as a frontier.

In his turn, Lord Aberdeen, Her British Majesty's Secretary for Foreign Affairs, proposed the Moroco, thereby leaving to Venezuela, as he stated, the free ownership of the Orinoco.

The Republic did not accept a line which deprived her of the territory lying between the Essequibo and the Moroco, and to which the English could present no title whatsoever.

In 1850 the rumor spread that Great Britain wanted to claim Venezuelan Guiana. Mr. Wilson, then Chargé d'Affaires of that Nation in Caracas, contradicted this rumor. He affirmed that it was precisely the reverse of the truth; that his Government had no intention of occupying or encroaching upon the territory in dispute; that they would neither order such occupation or encroachment, nor

would they sanction them on the part of their authorities; that they would order the latter to refrain from such acts and would with pleasure renew these instructions in case of need. He requested and obtained a similar declaration from Venezuela. The territory in dispute was not specified at the time; but Venezuela has never understood that it was that comprised between the Pomaron and the Amacuro, but that inclosed by the Pomaron and the Essequibo.

Never losing sight of the question, Venezuela urged a settlement in 1876. At the end of five years, in September 1881, Lord Granville presented a new demarcation which commenced at a place on the sea-coast at a longitude of twenty nine miles to the East of the right shore of River Barima. He added that in this manner he satisfied the reasonable pretensions and claims of Venezuela and ceded to her the so called Dardanelles of the Orinoco and the complete dominion of its mouth.

The Republic did not accept this line either, which for unknown motives is still more damaging to her than that of Lord Aberdeen.

In 1883 the British Government joined together the three questions of boundaries, additional duty of 30 p 8 on merchandize coming from the Antilles and pecuniary claims, and urged an amicable and simultaneous settlement of the same.

In consequence of this, General Guzmán Blanco proceeded to London with full powers in his character of Envoy Extraordinary and Minister Plenipotentiary and earnestly devoted himself to the settlement of those affairs.

During the negotiation of the new treaty of commerce he had obtained the written promise of Her Majesty's Government to submit all disputes arising between the two countries to arbitration. This involved the boundary question. But before the convention was signed, a change of Ministry took place. Lord Granville's successor, while fulfilling all the promises made by the preceding Administration to other States, refused to keep that which had been made to Venezuela. He alleged that Great Britain could not apply arbitration to controversies on limits. He forgot that she herself had applied it in 1827 and 1871 to disputes of this kind with the United States, the arbiter in the first instance being the King of Holland and the present Emperor of Germany in the second. The motive of the latter was the Canal of Haro, and it was the British Government who, as many as six times, asked for and finally obtained arbitration.

In July 1886, and as the result of the exertions of the Venezuelan Legation, Lord Rosebery presented a frontier which commenced West of the Waini, and was considered unacceptable for several reasons, one of them being that it was accompanied by a demand for the free navigation of and commerce on the Orinoco.

While negotiations were being carried on in Europe, several agents of the Governor of Demerara entered Venezuelan Guiana since October 1884; they placed marks and posted notices, they reached once more the Amacuro and carried away the Commissary, Mr. Roberto Wells, in order to try and to punish him for the ill-treatment of a

Portuguese subject, which they did, notwithstanding that they had no jurisdiction over the place where the fact had occurred. They at the same time declared those places to be British territory and the laws of the neighboring British Colony to be in force there. The Venezuelan Legation justly protested against such an undeserved grievance and demanded the satisfaction that the case called for.

The remonstrances of Venezuela have not been attended to; they have not deserved an answer. It seems, on the contrary that they have been taken as a pretext for the aggravation of the offences. On receipt of the news of the last events, the President of the Republic called Your Excellency on the 6th. of December 1886, and requested you to give him any information you might possess on these incredible events. He furthermore advised Your Excellency that he was going to order the erection of a light-house at Point Barima, which, since 1836, had been most earnestly urged by Sir Robert Ker Porter, British Chargé d'Affaires. Your Excellency refused to give the requested explanations, because the President did not consent to postpone the execution of his project until Your Excellency had consulted your Government on the subject. This means, that Your Excellency wished that the President should not carry out an administrative measure on Venezuelan territory, without previously obtaining permission of Her British Majesty, who has occupied and retains this territory without any right whatsoever. In answer Your Excellency has informed me that your Government would consider the occupation of Point Barima as a violation of the aforesaid Convention of 1850, not to occupy or encroach upon the territory in dispute, and further stated that, as the light-house would prove of general utility, they do not wish unduly to insist on their rights and would not oppose the erection thereof, provided an arrangement be come to regarding the amount of land to be occupied for this purpose, and an agreement be made in writing not to consider this fact as prejudicial to the claim of Great Britain upon the territory in dispute of which Point Barima forms a part and that it be not construed, at a later period, as a proof of the right of Venezuela at Point Barima and the acquiescence of Great Britain to such a pretension.

The Republic has found it most extraordinary that the Convention of 1850 be invoked against her, when it has been violated by Great Britain for her own benefit, and has rejected conditions which, if accepted, would have been destructive of her rights and has declared that such an answer aggravates still more the situation of affairs. It cannot be otherwise, since, by invoking the Convention, the British Cabinet acknowledges the duty there is of complying with it, and their conduct singularly contrasts with what should be the standard thereof.

In order to work upon sure ground and to carry out the erection of the light-house, together with other views, the President sent on last December a Commission composed of Doctor Jesús Muñoz Tébar and General Santiago Rodil. These gentlemen surveyed several points, commencing at Amacuro, and, as the result of their personal observations, they have brought the following information: On the right bank of the Amacuro they found two "Constables," to wit

Messrs. Francis Stephen Neame and G. B. Jeffry, appointed by Mr. Michael Mc. Turk, who calls himself a Stipendiary Magistrate of Her Majesty, in and for the Colony of British Guiana, the first named having been appointed on the 1st of March 1885 and the second on the 6th of September 1886. These Constables have authority to prevent any Venezuelan vessel from selling rum or spirituous liquors without a licence from the Governor of Demerara, and to seize any one which may do so. They proved the existence of a wooden house which serves, at Amacuro, as a public office, over which flies the English flag, and was erected at the expense of the Government of Demerara. They ascertained that a British revenue-cutter, called the *Transfer*, had called on various occasions at Amacuro, having on board a Magistrate, who, accompanied by armed policemen, came to try and decide upon criminal and police cases. They learned that at Amacuro and Barima, vessels are searched, which have been legally dispatched at Ciudad Bolívar, and they are forbidden from selling their merchandize and going up Branch Barima except in ballast. They heard that there was another Constable called Harrington at the settlement of Aruca, and that three months before a Magistrate had been there in order to arrest and try the murderer of a coolie, who was sentenced to five years imprisonment. At Cuabana they found a protestant church which serves at the same time as a school-house, and in the Marriage-Register of which, it is stated that that place belongs to the county of Essequibo. The Commissioners were informed that the Colonial Government keep a Constable at the village of Guaramuri on the banks of River Moroco. They likewise ascertained that gold mines were being worked by English authority on the Venezuelan territory lying between the river Cuyuni, Mazuruni and Puruni, and that large quantities of this mineral had already been exported through the Custom-House of Demerara. The Commissioners proceeded to Georgetown and through the Venezuelan Consul at that place, made the Governor acquainted with the objects of their Commission, what they had accomplished by virtue of same and with the violations which they had discovered of Venezuelan territory. The Government Secretary answered on the 6th of January that he referred them to the notice published in the *London Gazette* on the 21st of October 1886 and added that the places mentioned in the official note of the Commissioners were included in the limits established by the terms of the notice *and are a portion of the Colony of British Guiana*. In the notice it is proclaimed and notified that: Whereas the limits between British Guiana, one of Her Majesty's Colonies, and the Republic of Venezuela are in dispute between Her Majesty's Government and the Government of Venezuela and Whereas information has reached Her Majesty's Government that the Government of Venezuela has made or proposes to make grants of land within the territory claimed by Her Majesty's Government, such titles will neither be admitted nor recognized, and any person taking possession of or exercising any rights on said lands, by virtue of said titles, will be prosecuted as trespassers, according to the laws of the Colony. In conclusion it is stated in the notice, that a map may be seen at the Library of the Colo-

nial Office in Downing-Street, or at the Office of the Government Secretary in Georgetown, Demerara, showing the limits between British Guiana and Venezuela as claimed by Her Majesty's Government.

To what precedes may be added, that the Governor of Demerara in a decree issued in 1868 on the division of registers, did not establish a more Northerly limit than the Pomarón; and that, annulling the same on the 6th of November 1886, by order of Her Majesty's Government and doubtlessly with that sole object in view, he created new divisions which reach as far as the Eastern shore of the Amacuro.

The limits now occupied, not claimed, by the English Government are the same which Engineer Schomburgk fancifully marked out in 1841.

On the 6th of January last the Government, strengthened by the most solid reasons, reiterating their willingness to end the controversy by arbitration, demanded from Her Britannic Majesty's the evacuation of the Venezuelan territory from the mouths of the Orinoco to the Pomarón, which she had unduly occupied, with the understanding that, if by the 20th of the present month no answer had been returned or a negative answer had been given, the diplomatic relations between the two countries would be severed from that date.

On the 3rd of January, in answering about the conditions on which the English Government would consent to the erection of the light-house at Point Barima, said demand was renewed together with that of the acceptance of arbitration.

On the 11th of this month Your Excellency notified me that having communicated my note of 26th of January by telegraph to Her Majesty's Government, you had been instructed to say in reply that while being still willing to enter into amicable negotiations with the object of settling the question of limits of Guiana, they could not accede to the present demands of the Government of Venezuela, much as they would regret the proceeding which my note indicated.

I therefore repeated and ratified, in all their parts, the contents of my notes of 26th and 31st of January, as the Executive could not open a new discussion until Great Britain had evacuated the territory as far as the river Pomarón, which Venezuela has a perfect right to demand, in conformity with the Convention of 1850.

The 20th of February has come and also the foreseen event of the denial of the claims of Venezuela.

Thus Great Britain rejects the just and moderate request, to repair the wrongs she has done and is still doing to the Republic, in the midst of the friendship which the latter has constantly shown her and against the existence of a treaty which establishes this friendship.

Great Britain has violated Venezuelan territory by entering the same through prohibited places; by appointing Constables, establishing Government offices over which flies the English flag, by carrying off, trying and punishing a Venezuelan Official; by sending thither, accompanied by an armed police force a Magistrate who has proclaimed those places to be British; by decreeing prohibitions of

commerce, by having a revenue-cutter to cruise in the space which lies between Amacuro and Barima, comprising these Rivers within the jurisdiction of the Governor of Demerara, and by authorizing the development of mines inclosed within the soil of the Republic and by exercising other acts of dominion.

Great Britain has taken upon herself the right of deciding for and by herself, and in her own favor a question which regards her as much as it does Venezuela.

Great Britain has declared herself to be the co-proprietor of the Orinoco, the great fluvial artery of the north of South America by taking possession of Branch Barima, one of its mouths, and, by this means, of the commerce of vast regions belonging to various countries.

By doing this Great Britain has acted towards Venezuela in a manner which she has blamed in others.

Great Britain has declared to be her property the places which she has just occupied on the sole ground that their boundaries are in dispute with Venezuela.

Great Britain has infringed, for her own benefit, the Convention which she herself proposed to Venezuela in 1850 and has occupied the territory which had been thus guaranteed.

Great Britain pretends to impose conditions upon the erection of a light-house at Point Barima, over which place her own Chargé d'Affaires, on the 26th of May 1836, spontaneously recognized the sovereignty of Venezuela.

Great Britain will not apply to Venezuela the arbitration which she applied to the United States of America in 1827 and 1871, to decide upon a question of limits, she herself having repeatedly insisted upon it in the latter case.

Great Britain has progressively increased her own advances from the Essequibo to the Pomaron, the Moroco, the Waini, the Barima and the Amacuro.

Great Britain has therefore violated the rights of sovereignty and of independence of Venezuela, depriving her of the most sacred and inviolable of the properties of a nation, to wit, that of her territory.

Venezuela must not preserve relations of friendship with a nation which has thus offended her, and in consequence suspends them from this day.

And she protests before Her British Majesty's Government, before all civilized nations, before the world in general, against the acts of spoliation committed to her detriment by the Government of Great Britain, which she, at no time and for no consideration will recognize as capable of altering in the least rights which she has inherited from Spain, and over which she will be ever willing to submit to the decision of a third Power, as the only means of solution, compatible with her constitutional precepts.

After writing the above note I have received that which Your Excellency addressed to me dated on the 19th instant and in which you inform me by order of Her Majesty's Government that the latter,

having been apprised of the visit of two Venezuelan Commissioners to the portion of territory claimed by Great Britain as belonging to British Guiana, and of what they did there, any interference with British subjects in that locality will not be permitted.

This demonstrates more and more that Great Britain already openly arrogates the jurisdiction over the territory of Venezuelan Guiana, which she has occupied because she claims it and pretends to act therein as the true and exclusive proprietor, without the least regard for the rights of the Republic, who looks upon it as her property. In consequence the Republic cannot but ratify, as she does ratify, her previous complaints and protests against a proceeding, as arbitrary as it is depressive, which she will always look upon as void and of no effect.

I beg to renew to Your Excellency the assurances of my highest consideration.

(Signed).—DIEGO B. URBANEJA.



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